

Agenda

Environmental Protection Commission

January 21, 1997

1:00 PM

Wallace State Office Building, Fourth Floor Conference Room

January 22, 1997 - Legislative Reception from 7:30 - 9:00 A.M.

Fourth Floor Conference Room, Wallace State Office Building

Public Participation *Dick Dolash - Ia. Drainage Dist. - Item 17*
Rick Robinson - Ia. Farm Bureau - Item 17

1:30 P.M.

APPOINTMENT: *Kris Smith - Papettis (Item 20d)*

3:30 p.m.

Brian McKernau (Item #20e)

4:00 P.M.

Roger Underwood - (Item 20E)

1)

Agenda topics

Bill Smith - DeCoster Refund (Item 20b)

4:30 p.m.

1. Approve Agenda
2. Approve Meeting Minutes of December 16, 1996
3. Director's Report Larry Wilson (Information)
4. Monthly Financial Status Report Stan Kuhn (Information)
5. Toxic Cleanup Days Report - 1996 Teresa Hay (Information)
6. Landfill Alternative Financial Assistance Program Applications Teresa Hay (Information)
7. Notice of Intended Action--Chapter 216, Regents Tire Derived Fuel Program Teresa Hay (Decision)
8. Notice of Intended Action--Chapter 217, Waste Tire Processor Incentive Program Teresa Hay (Decision)
9. Household Hazardous Materials Retailers Consumer Education Program Contract Teresa Hay (Decision)
10. Recycle Iowa Presentation - Margo Underwood Teresa Hay (Information)
11. Monthly Reports Allan Stokes (Information)
12. Registry of Hazardous Substance Disposal Sites and Hazardous Waste Remedial Fund Annual Report - 1996 Allan Stokes (Information)

13.	Air Quality Program Status Update	Allan Stokes (Information)
14.	Agreement: Iowa Dept. of Corrections	Allan Stokes (Decision)
15.	Proposed Rule--Chapter 22 and 23, Air Quality - Emission Guidelines for Municipal Solid Waste Landfills	Allan Stokes (Information)
16.	State Revolving Fund - Intended Use Plan - 1997	Allan Stokes (Information)
17.	Final Rule--Chapter 61, Water Quality Standards, Section 401 Certification of Nationwide Permits	Allan Stokes (Decision)
18.	Proposed Contested Case Decision-Edward Bodensteiner	Allan Stokes (Decision)
19.	Approval of Enforcement Action--Stickle Farms, Inc.	Allan Stokes (Decision)
20.	Referrals to the Attorney General <ul style="list-style-type: none">a) City of Lenox (TABLED)b) A.J. DeCoster (Hamilton County)c) Steven Mullare/S & S Landscaping (Madison Co.)d) Papetti's of Iowa Food Products, Inc. (Lenox)e) Brian McKernan, dba Hickory Grove MHP (Ames)	Allan Stokes (Decision)
21.	Wastewater Treatment	Allan Stokes (Information)
22.	Briefing - Legislative Breakfast	Larry Wilson (Information)
23.	General Discussion	
24.	Address Items for Next Meeting	
Next Meeting Dates	February 17, 1997 March 17, 1997 April 21, 1997	

ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 21, 1997

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Jane B. McAllister	Ahlens Law Firm	DSM
DAN VEST	GROWMARK, INC	ELKHART, IN.
JEAN TROBE	"	"
Susan Heathcote	Iowa Environmental Council	DSM
Regina Thiry		Waterloo
Rick Kelley	UHL	DM
David Thompson	Thompson Environmental	WDM
Glenda Buenger	Citizen	Rose Hill
Chris Gault	Farm Bureau	WDSM
George Henderson	IDEP	DSM
Kurt Hirschman	CA/O	DSM
Melvin F. Mahler	Sierra Club	DSM
Perry Beeman	Dm Register	DM
Catherine HUGGINS	Metro Waste Authority	DSM
STEVE GUYER	JES Industries	Cedar Rapids
Cathy Woolums	Mid American Energy	Davenport

ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 21, 1997

NAME

COMPANY OR AGENCY

CITY

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JERRY FLEAGLE	BIRP	W'loo
Rick Robinson	Iowa Farm Bureau	West Des Moines
Chris Hess	U.S. EPA	KC
Patrick Pulley	Lee Newspapers	DM
Mary Neubauer	Associated Press	Des Moines
Dawn Goodrich	Des Moines Water Works	"
Sue Cosner	"	"
Jim Stricker	IDNR Field Office 5	"
Tom O'Kear	Papetti's	LEWIS
Roger C. Underwood		Ames
ANDREW U		
WILLIAM		
Joe Halicka		

ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 21, 1997

NAME COMPANY OR AGENCY CITY

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Harold Trask

PETER DECOSTER

William Sidney Smith attorney
Brian M. Hannon OWNER HICKORY GROVE DSTY

Lisa Brown WATO-TV

SCOTT Howard

RECORD COPY *EPC Meeting*
File Name *ADM-1-1-1 January*
Senders initials *JH* *1997*

**MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING**

JANUARY 21, 1997

**WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA**

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 1:00 p.m. on Tuesday, January 21, 1997, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

- Verlon Britt
- William Ehm
- Rozanne King, Chair
- Dean McWilliams
- Charlotte Mohr, Secretary
- Kathryn Murphy
- Gary Priebe, Vice-Chair
- Terrance Townsend
- Rita Venner

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Kris Smith - Papetti’s referral (Item #20d) 3:30 p.m.
- Add: Appointment - Roger Underwood (Item #20e) 4:00 p.m.
(following Brian McKernan)
- Add: Appointment - Bill Smith - Decoster referral (Item #20b) 4:30 p.m.

Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Verlon Britt to approve the meeting minutes of December 16, 1996, as presented. Seconded by Dean McWilliams. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, distributed copies of a report on the 1996 Implementation Plan, Governor’s Competitiveness Task Force-Regulatory Reform Study. Also attached was a timetable showing accomplishments made during the first year. Director Wilson related that the response from the EPD and the department as a whole has been very positive. He recognized Allan Stokes and his staff for their leadership and cooperation in implementing the recommendations.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the YTD, as of 12/31/96, division level expenditure status schedule.

Notes are appended to each division’s status schedule intended as explanations of significant departures from anticipated expenditures as compared to budget at this point. Particularly in the Fish and Wildlife and Parks divisions, expenditures will need to be managed carefully to remain within budget at the end of the fiscal year.

A portion of the budget overage in Fish and Wildlife relates to a problem with the State’s payroll projection system, which inadvertently shorted the Enforcement bureau’s salary budget by \$60,000. DOM intends to request legislative action to correct this problem as part of budget “clean-up” bill.

DIRECTOR'S OFFICE/I&E BUREAU					
EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 12/31/96	YTD Actual 12/31/96	Under (Over)
PERS SERV	977,916	1,179,858	578,130	537,165	40,965
PERS TRV IN	32,944	55,114	22,983	19,563	3,420
STATE VEHICL	3,897	7,791	3,896	2,825	1,071
VEHICLE LEASE	8,220	12,640	6,320	4,155	2,165
PERS TRV OUT	11,348	12,946	5,398	5,298	100
OFF SUPPLY	75,192	79,500	33,152	56,662	(23,511)
FAC MAINT SU	3,197	13,000	5,421	2,779	2,642
EQUIP MAINT	3,638	6,850	2,856	526	2,330
OTHER SUPPLY	73,889	104,950	43,764	40,006	3,758
PRINT & BIND	293,328	349,044	145,551	78,639	66,912
UNIFORMS	1,442	2,150	897	278	619
COMMUNICATION	26,777	29,800	12,427	13,569	(1,142)
RENTALS	4,470	3,700	1,543	2,214	(671)
UTILITIES	229	750	313	123	190
PROF SERV	33,296	50,060	20,875	11,085	9,790
OUTSIDE SERV	73,860	46,619	19,440	32,019	(12,579)
ADVER PUB	0	5,000	2,085	0	2,085
DP-MAINFRAME	4,746	13,350	5,567	902	4,665
REIMBURSEMENT	796	525	219	300	(81)
EQUIPMENT	39,413	41,600	18,720	7,328	11,392
EQUIP NONINV	3,374	5,167	2,325	2,684	(359)
OTHER	551	2,650	1,105	260	845
	1,672,523	2,023,064	846,773	818,380	114,606

Note: The office supply overage is primarily within the Aquatic Education cost center because 80% of budget has been expended to date. Printing is under budget primarily because the bills for the second and third issues of the magazine, estimated at \$60,000, were not paid as of 12/31/96.

ADMINISTRATIVE SERVICES DIVISION					
EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 12/31/96	YTD Actual 12/31/96	Under (Over)
PERS SERV	3,579,613	3,864,278	1,893,496	1,819,443	74,053
PERS TRV IN	45,609	55,750	23,248	14,469	8,779
STATE VEHICL	56,635	56,000	28,000	51,174	(23,174)
VEHICLE LEASE	69,430	79,500	39,750	34,100	5,650
PERS TRV OUT	6,519	12,000	5,004	2,987	2,017
OFF SUPPLY	342,869	340,200	141,863	101,239	40,624
FAC MAINT SU	1,150	15,500	6,464	276	6,188
EQUIP MAINT	48,882	52,000	21,684	19,983	1,701
OTHER SUPPLY	8,190	10,400	4,337	2,077	2,260
PRINT & BIND	23,443	23,500	9,800	9,648	152
UNIFORMS	3,464	3,000	1,251	873	378
COMMUNICATIO	108,666	117,100	48,831	44,395	4,436
RENTALS	1,008	500	209	0	209
PROF SERV	52,227	70,000	23,100	0	23,100
OUTSIDE SERV	81,237	64,500	26,897	53,031	(26,135)
ADVER PUB	528	500	209	145	64
DP-MAINFRAME	44,724	52,800	22,018	12,422	9,596
AUDITOR REIM	171,789	175,000	57,750	62,154	(4,404)
REIMBURSMENT	156,555	152,750	63,697	38,295	25,402
EQUIPMENT	207,600	175,100	78,795	60,922	17,873
EQUIP NONINV	11,726	6,000	2,700	4,223	(1,523)
OTHER EXP	7,750	63,732	26,576	31	26,545
	5,029,614	5,390,110	2,525,676	2,331,887	193,789

Note: Vehicles are over budget due to use of this account to pay unbudgeted federal gas tax and, subsequently, reduce the expenditure on receipt of the refund. This factor will net to zero at year's end. Outservices are over due to use of temp help in place of several vacant positions and within Construction services to assist with CCC project design. The temp expenditure is more than offset by a compensating surplus in the salary line item.

PARKS, PRESERVES AND RECREATION DIVISION					
EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 12/31/96	YTD Actual 12/31/96	Under (Over)
PERS SERV	4,503,676	4,692,353	2,299,253	2,346,195	(46,942)
SEASONAL WORKERS	1,361,773	1,330,264	811,461	835,734	(24,273)
PERS TRV IN	74,702	73,050	30,462	17,772	12,690
STATE VEHICL	193,493	201,300	100,650	140,730	(40,080)
VEHICLE LEASE	249,875	298,400	149,200	129,180	20,020
PERS TRV OUT	4,946	6,200	2,585	4,207	(1,622)
OFF SUPPLY	43,613	44,000	18,348	14,714	3,634
FAC MAINT SU	567,338	513,830	241,500	334,696	(93,196)
EQUIP MAINT	386,151	342,000	160,740	194,399	(33,659)
AG CONS SUPP	27,246	34,500	16,215	7,756	8,459
OTHER SUPPLY	45,807	40,600	19,082	13,959	5,123
PRINT & BIND	65,367	32,500	13,553	2,721	10,832
UNIFORMS	37,039	34,577	20,746	28,434	(7,688)
COMMUNICATIO	100,133	111,000	46,287	52,128	(5,841)
RENTALS	41,037	42,550	19,999	29,636	(9,638)
UTILITIES	473,985	454,000	213,380	233,440	(20,060)
PROF SERV	53,409	51,784	21,594	6,850	14,744
OUTSIDE SERV	227,655	206,500	97,055	119,410	(22,355)
ADVER PUB	1,963	1,050	438	274	164
DP-MAINFRAME	2,140	5,000	2,085	724	1,361
REIMBURSMENT	10,573	7,375	3,075	5,128	(2,053)
EQUIPMENT	226,828	248,536	111,841	99,220	12,621
EQUIP NONINV	16,399	800	360	7,677	(7,317)
OTHER EXP	432	700	292	169	123
LICENSES	1,145	697	291	1,050	(759)
	8,716,725	8,773,566	4,400,491	4,626,203	(225,712)

Note: Division expenditures are over due to salary bonuses, vehicle fuel costs being significantly higher than last year, and facility/equipment maintenance expenditures. Full and permanent part-time FTE's are over budget at this point by approximately 1.5 FTE. This will have to be offset by decreased equipment, supply, maintenance and seasonal worker expenditures throughout the remainder of the fiscal year.

FORESTS AND FORESTRY DIVISION					
EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 12/31/96	YTD Actual 12/31/96	Under (Over)
PERS SERV	1,802,802	1,877,565	920,007	905,663	14,344
SEASONAL WORKERS	87,467	122,362	74,641	38,231	36,410
PERS TRV IN	41,920	41,200	17,180	20,738	(3,558)
STATE VEHICL	66,912	77,500	38,750	38,248	502
VEHICLE LEASE	118,585	136,500	68,250	57,165	11,085
PERS TRV OUT	5,167	11,500	4,796	3,744	1,052
OFF SUPPLY	28,570	19,000	7,923	8,344	(421)
FAC MAINT SU	38,187	35,500	14,804	17,826	(3,023)
EQUIP MAINT	55,993	55,500	23,144	25,779	(2,636)
AG CONS SUPP	78,354	74,000	30,858	32,850	(1,992)
OTHER SUPPLY	21,580	38,000	15,846	13,304	2,542
PRINT & BIND	13,751	21,500	8,966	12,200	(3,235)
UNIFORMS	11,716	13,000	5,421	6,128	(707)
COMMUNICATIO	48,783	48,500	20,225	18,698	1,527
RENTALS	39,879	43,000	17,931	6,451	11,480
UTILITIES	32,136	31,000	12,927	9,720	3,207
PROF SERV	14,291	1,500	626	0	626
OUTSIDE SERV	72,153	53,500	22,310	12,225	10,085
ADVER PUB	289	500	209	0	209
DP-MAINFRAME	1,248	1,500	626	422	204
REIMBURSMENT	1,018	300	125	0	125
EQUIPMENT	39,392	66,285	29,828	40,188	(10,360)
EQUIP NONINV	1,192	9,574	4,308	2,274	2,034
OTHER EXP	42	0	0	56	(56)
	2,621,427	2,778,786	1,339,697	1,270,254	69,443

ENERGY & GEOLOGICAL RESOURCES DIVISION					
EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 12/31/96	YTD Actual 12/31/96	Under (Over)
PERS SERV	2,327,252	2,659,970	1,303,385	1,237,606	65,779
PERS TRV IN	23,745	40,168	16,750	7,388	9,362
STATE VEHICL	12,539	15,000	7,500	9,338	(1,838)
VEHICLE LEASE	12,230	14,000	7,000	3,360	3,640
PERS TRV OUT	42,688	74,336	30,998	19,505	11,493
OFF SUPPLY	30,382	34,858	14,536	13,681	855
FAC MAINT SU	623	1,500	626	364	262
EQUIP MAINT	1,837	3,200	1,334	525	809
PROF SUPPLY	1,465	1,434	598	31	567
OTHER SUPPLY	27,174	54,953	22,915	12,607	10,308
PRINT & BIND	36,466	54,573	22,757	6,864	15,893
UNIFORMS	1,321	1,300	542	15	527
COMMUNICATIO	40,490	41,350	17,243	16,254	989
RENTALS	2,112	2,500	1,043	2,295	(1,253)
UTILITIES	20,858	19,000	7,923	7,038	885
PROF SERV	943,476	1,129,990	372,897	233,106	139,791
OUTSIDE SERV	79,584	258,909	107,965	58,348	49,617
ADVER PUB	933	2500	1,043	145	898
OUT REPAIRS	14	500	209	165	44
DP-MAINFRAME	5,661	7,886	3,288	1,737	1,551
REIMBURSMENT	10,714	11635	4,852	1,480	3,372
EQUIPMENT	160,016	148,767	66,945	39,073	27,872
EQUIP NONINV	11,516	21,854	9,834	1,030	8,804
OTHER	4843	5,762	2,403	0	2,403
	3,797,939	4,605,945	2,024,585	1,671,955	352,630

Note: Professional services accounts for most of the budget surplus and results from lower than anticipated expenditures to date in a variety of federally funded initiatives. Actual expenditures to date are significantly under budget in several support categories, but are similar to expenditure status at the same point last fiscal year.

ENVIRONMENTAL PROTECTION DIVISION					
EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 12/31/96	YTD Actual 12/31/96	Under (Over)
PERS SERV	8,780,016	10,642,911	5,215,026	4,720,971	494,055
PERS TRV IN	57,078	162,757	67,870	32,420	35,450
STATE VEHICL	39,981	58,550	29,275	28,936	339
VEHICLE LEASE	57,410	88,500	44,250	34,620	9,630
PERS TRV OUT	93,312	288,582	120,339	52,129	68,210
OFF SUPPLY	119,597	157,914	65,850	41,953	23,897
FAC MAINT SU	5,328	5,670	2,364	1,129	1,235
EQUIP MAINT	21,496	21,700	9,049	5,279	3,770
PROF SUPPLY	0	1,250	521	0	521
OTHER SUPPLY	14,901	39,684	16,548	23,279	(6,731)
PRINT & BIND	89,826	146,841	61,233	25,543	35,690
UNIFORMS	5,595	9,100	3,795	2,819	976
COMMUNICATIO	198,490	312,950	130,500	88,040	42,460
RENTALS	117,346	513,800	214,255	54,226	160,029
UTILITIES	23,352	24,400	10,175	9,091	1,084
PROF SERV	3,944,014	5,409,124	1,785,011	1,090,432	694,579
OUTSIDE SERV	79,547	171,400	71,474	71,705	(231)
ADVER PUB	8,310	11,626	4,848	4,839	9
DP-MAINFRAME	170,417	226,437	94,424	45,559	48,865
REIMBURSMENT	57,442	64,500	26,897	10,424	16,473
EQUIPMENT	1,759,294	2,011,357	905,111	837,672	67,439
EQUIP NONINV	43,927	37,765	16,994	23,589	(6,595)
OTHER EXP	19,599	15,750	6,568	0	6,568
	15,706,278	20,422,568	8,902,376	7,204,655	1,697,721

Note: The apparent budget surplus is due primarily to vacancies, as compared to budgeted salaries, and professional services. The division's vacancy factor, on an annualized basis is 13%, with the Air Bureau's rate at 22%. The budget surplus in professional services is relates primarily to Air to-date expenditure being at 15% of the budgeted \$2.7 million. The Water Quality Bureau's professional services expenditure to date is 32% of the budgeted \$1.9 million, with most of that occurring in the 319 planning and federally funded flood studies.

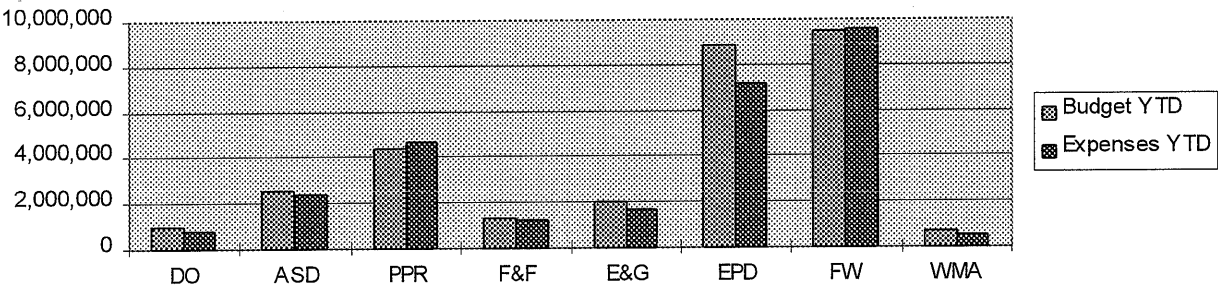
FISH AND WILDLIFE DIVISION					
EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 12/31/96	YTD Actual 12/31/96	Under (Over)
PERS SERV	12,402,330	12,946,097	6,343,588	6,532,380	(188,792)
SEASONAL WORKERS	805,914	837,412	510,821	461,502	49,319
PERS TRV IN	350,926	363,240	151,471	163,864	(12,393)
STATE VEHICL	506,847	512,700	256,350	319,048	(62,698)
VEHICLE LEASE	707,360	757,696	378,848	345,970	32,878
PERS TRV OUT	37,513	51,400	21,434	19,918	1,516
OFF SUPPLY	266,399	254,818	106,259	103,809	2,450
FAC MAINT SU	336,977	453,707	189,196	152,948	36,248
EQUIP MAINT	480,781	353,036	147,216	246,943	(99,727)
PROF SUPPLY	0	10,000	4,170	0	4,170
AG CONS SUPP	319,951	393,858	164,239	99,649	64,590
OTHER SUPPLY	193,323	113,077	47,153	125,957	(78,804)
PRINT & BIND	338,250	313,989	130,933	177,354	(46,421)
UNIFORMS	136,027	132,125	79,275	77,658	1,617
COMMUNICATIO	296,015	301,600	125,767	135,790	(10,023)
RENTALS	59,319	65,160	27,172	21,342	5,830
UTILITIES	234,382	242,216	101,004	87,837	13,167
PROF SERV	361,161	385,666	127,270	182,966	(55,696)
OUTSIDE SERV	175,192	171,862	71,666	39,147	32,519
ADVER PUB	4,349	23,600	9,841	157	9,684
DP-MAINFRAME	86,521	64,000	26,688	56,572	(29,884)
REIMBURSMENT	82,648	120,751	50,353	14,349	36,004
EQUIPMENT	696,546	765,135	344,311	157,524	186,787
EQUIP NONINV	76,387	102,875	46,294	43,354	2,940
OTHER EXP	40,817	44,353	18,495	1,970	16,525
LICENSES	217	300	125	0	125
	18,996,152	19,780,673	9,479,939	9,568,008	(88,069)

Note: The budget shortfall relates primarily to Enforcement Bureau expenditures, primarily in salaries and travel. On a weighted average basis, YTD expenditures should be approximately 48% as of 12/31/96. Enforcement expenditures are at 51%, with both Fisheries and Wildlife at 47%. Of the projected overage in Enforcement salaries of \$142,000, about \$60,000 relates to a DOM projection problem. The remainder is due to a retirement and compensatory time payouts.

WASTE MANAGEMENT ASSISTANCE DIVISION					
EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 12/31/96	YTD Actual 12/31/96	Under (Over)
PERS SERV	772,841	897,571	439,810	407,671	32,139
PERS TRV IN	28,797	60,855	25,377	12,749	12,628
STATE VEHICL	0	0	0	48	(48)
PERS TRV OUT	20,579	37,505	15,640	11,381	4,259
OFF SUPPLY	13,475	60,172	25,092	4,799	20,293
EQUIP MAINT	1,192	915	382	199	183
OTHER SUPPLY	34,090	13,270	5,534	9,472	(3,938)
PRINT & BIND	43,742	109,393	45,617	19,625	25,992
UNIFORMS	28	0	0	0	0
COMMUNICATIO	15,567	20,000	8,340	6577	1,763
RENTALS	776	4,390	1,831	873	958
PROF SERV	62,065	392,413	129,496	41543	87,953
OUTSIDE SERV	8,855	11,835	4,935	1890	3,045
ADVER PUB	8,101	12,475	5,202	4,831	371
DP-MAINFRAME	2,737	3,900	1,626	904	722
REIMBURSMENT	33,075	59,870	24,966	10,712	14,254
EQUIPMENT-LARGE	34,166	12,610	5,675	5,152	523
EQUIPMENT-SMALL	1136	4964	2,234	1786	448
OTHER	5,628	6,700	2,794	0	2,794
	1,086,850	1,708,838	744,548	540,212	204,336

Note: The budget surplus is due primarily low YTD expenditures in the professional services line item. Of the \$142,000 in the planning grants, waste recycling and household hazardous waste cost centers, there has been no significant expenditures YTD.

12/31/96 Division Expenditure Status



Mr. Kuhn reviewed the division status reports noting that the Parks Division employees are not the only people who received a one-time salary bonus. He added that it was received by full time employees except for those covered by SPOC.

INFORMATIONAL ONLY

TOXIC CLEANUP DAYS REPORT - 1996

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Iowa Department of Natural Resources (IDNR) has prepared this annual report for the General Assembly and the Governor. This report cites the results and the cost of the Toxic Cleanup Days as required in code of Iowa 455F.8.

This report contains detailed information on the Toxic Cleanup Day program, as well as a brief background on household hazardous materials. In 1996, IDNR provided technical and financial assistance for sixteen Toxic Cleanup Day events held throughout Iowa. The events were held in the following counties:

Adair	Clarke	Jones	Pottawattamie
Appanoose	Davis	Marshall	Wapello
Benton	Delaware	Monona	Washington
Buena Vista	Des Moines	Palo Alto	Wayne

The Toxic Cleanup Day program continues to be highly successful in providing Iowans an opportunity to do their share to clean up the environment.

(A copy of the report is on file in the department’s Records Center)

Ms. Hay discussed the annual TCD report to the General Assembly.

Discussion followed regarding the varying cost-per-pound in different regions; options on what to do with leftover paint; individual county TCD’s and personal outreach efforts.

INFORMATIONAL ONLY

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM APPLICATIONS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received twenty-six (26) applications, requesting nearly \$4.5 million in financial assistance, for consideration during the December 1996 round of funding. Approximately \$1.3 million is available to award to selected applicants.

A summary of each application is attached for the Commission’s information. Application review is scheduled to be completed by the end of January 1997. It is anticipated that contracts will be presented to the Commission for approval at the March 1997 meeting.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM
APPLICATIONS RECEIVED – DECEMBER 1996

The following table and project proposal summaries were prepared after a brief review of applications submitted for funding consideration. A total of \$4,471,393 was requested by twenty-six (26) applicants. Project summaries identify the amount and type of funding assistance as requested by the applicant. The appropriateness of the type of financial assistance requested (grant vs. loan) is subject to change based on the following:

Projects eligible to receive grant assistance include: 1) projects that have public education as the primary focus on such topics as waste reduction and recycling; 2) projects that reduce, avoid or eliminate the generation of solid waste at the source; 3) projects that develop new technologies in managing solid waste; and 4) projects that implement an existing solid waste management technology for the first time in Iowa.

Projects eligible to receive zero interest loan assistance include: 1) projects that do not fit in the above project categories; 2) combustion with energy recovery projects; 3) combustion for volume reduction projects; 4) projects that involve expansions or improvements to an existing facility or operation using existing technologies; and 5) projects that replicate similar projects in Iowa.

Applications Received By Applicant Type	# Received	Request Amount
Local Government	9	\$ 807,306
Private For Profit	15	\$ 2,549,796
Private Not For Profit	2	\$ 1,114,291
Applications Received By Project Type	# Received	Request Amount
Education	8	\$ 288,532
Waste Reduction	3	\$ 387,071
Research and Development or Demonstration	13	\$ 3,174,004
Zero Interest Loan	2	\$ 621,786

Application 1:	Harrison County Landfill Commission 2812 Highway 30 Logan, Iowa 51546	Project Title:	Expand Recycling Drop-box Program
Request:	\$84,013 - Grant - Waste Reduction	Contact:	Bruce Jones - (712)644-3093
Applicant:	Local Government		
Description:	Proposing to purchase, with grant funds, a roll-off truck and additional recycling drop-boxes to better serve the county through increased participation and by accepting additional types of recyclables. The applicant will begin servicing drop-off containers within the county currently performed by the Monona County Solid Landfill Agency. In response to citizen requests, additional drop-boxes will be placed at strategic places within the county to increase participant convenience.		

Application 2:	University of Northern Iowa (Physical Plant / Recycling & Reuse Technology Transfer Center) Physical Plant Cedar Falls, Iowa 50614-0189		
Request:	\$10,886 - Grant - Education	Project Title:	Campus Recycling
Applicant:	Local Government	Contact:	William McKinley - (319)273-4400
Description:	Goals of the project are to set up a network of on-campus collection sites to capture the recyclable fraction of the solid waste stream and to educate students, staff and faculty on source reduction and recycling. Seminars will be held in each department to promote reuse and recycling and provide information on the various facilities set up around campus to achieve the stated goal. The project would principally serve the UNI campus but the drop-off sites would be open for use by community and rural residents. Financial assistance is requested for salary and benefits, supplies, travel and indirect costs.		

Application 3:	Roger Wahl
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	3433 Jepsen Road Cedar Falls, Iowa 50613	Project Title: Scrap Tire Processing
Request:	\$109,300 - Grant - Waste Reduction	Contact: Roger Wahl - (319)266-2131
Applicant:	Private For Profit	
Description:	The applicant is proposing to shred the estimated 150,000 tires currently stored on his property. Once shredded, the scrap rubber will be stockpiled or used to facilitate the drainage of water. Grant funds are requested for the rental of a tire shredder, conveyor, labor, and drainage trench construction and backfill.	

Application 4:	Valley Environmental Services 12041 130th Street Burlington, Iowa 52601	Project Title: Waste Oil Filter Recycling
Request:	\$162,130 - Grant - Waste Reduction	Contact: Ken Reif - (319)752-6666
Applicant:	Private For Profit	
Description:	The applicant currently distributes several lines of auto related lubricants, filters, etc. within a five (5) state area. The proposed project involves establishing a filter and lubricant disposal program for their customer base and the general public. Waste oil filters will be collected for recycling and the waste oil contained therein also recycled. Grant funds are requested for collection vehicles, waste oil tanks and building renovation.	

Application 5:	R.J. Taeger & Associates 119 Broadway P.O. Box 479 West Burlington, Iowa 52655	Project Title: Regional Bio-Medical Waste Treatment Facility
Request:	\$263,181 - Grant - R&D/Demo	Contact: Richard Taeger - (319) 754-1527
Applicant:	Private Not For Profit	
Description:	The applicant represents a consortium of hospitals in southeast Iowa that propose to construct an alternative bio-medical waste treatment facility. The facility will treat all infectious and other bio-medical waste through the use of an autoclave system. Financial assistance is requested for the purchase of an autoclave system, equipment and supplies.	

Application 6:	American Recycling Services, Inc. 527 Wildwood Road Waterloo, Iowa 50702-5511	Project Title: High Traffic Sites Recycling
Request:	\$24,990 - Grant - R&D/Demo	Contact: Bob Armstrong - (319)236-3754
Applicant:	Private For Profit	
Description:	Applicant is proposing to test the willingness of the traveling public to recycle certain materials at high traffic restareas, truck stops and convenience stores. The test project will target sections of I80 in central Iowa and near the Meskawaki Bingo and Casino facility, City of Tama in Tama County. Grant assistance is requested for recycling containers, mileage and wages for servicing the recycling containers over the thirteen week test period.	

Application 7:	Iowa State Men's Reformatory North High Street Anamosa, Iowa 52205	Project Title: Correctional Institute Recycling
Request:	\$69,052 - Grant - Education	Contact: Glen Hansel - (319)462-3504 Ext. 215
Applicant:	Local Government	
Description:	The project involves expanding existing recyclable materials processing operations in response	

to an increase in materials received. The recycling program will also serve as a working model for other state institutions with formal presentations made via tours and at statewide meetings of corrections staff and prison administrators. An educational guidebook will be developed to provide a detailed description for establishing a recyclable materials processing facility in a correctional institution setting. Grant assistance is requested for development of the guidebook, contracted project administration, building construction and equipment.

Application 8:	Bluestem Solid Waste Agency		
	6301 Kirkwood Blvd. SW, Building EC31		
	P.O. Box 2068		
	Cedar Rapids, Iowa 52406		
Request:	\$507,361 - Grant - R&D/Demo	Project Title:	Bioreactor Cell Pilot Project
Applicant:	Local Government	Contact:	David Hogan - (319)398-1278
Description:	The applicant is proposing to demonstrate two emerging landfill related technologies: a) optimized leachate recirculation and gas collection to maximize the rate at which organics decompose in a landfill and b) mining of a stabilized landfill followed by screening of the excavated materials to separate the soil-like organic fraction from non-decomposed wastes. This demonstration will lead to the reclamation and reuse of landfill space and provide a relatively low cost composting process suitable for use by large and small landfills seeking a less capital intensive composting technology. Grant assistance is requested for pilot cell construction, leachate recirculation system, laboratory analysis/sampling, cell mining and final report preparation.		

Application 9:	Iowa Northland Regional Council of Governments		
	501 Sycamore Street, Suite 333		
	Waterloo, Iowa 50703		
Request:	\$13,687 - Grant - Education	Project Title:	The Recycling Handbook
Applicant:	Local Government	Contact:	Jeff Beneke - (319)235-0311
Description:	The proposed project involves developing a recycling handbook for the three county planning area. Addressed in the handbook will be such topics as backyard composting, benefits of composting, household hazardous material including proper disposal and substitutes, recycling in general and specific to the three county area. Also contained in the handbook will be a section providing business and industry with information on permitting, the By-product and Waste Search Service and the Waste Reduction Assistance Program. Grant assistance is requested for labor, telephone, travel, material reproduction and printing.		

Application 10:	Waste Management & Design, Inc.		
	2575 230th Street		
	PO Box 159		
	Webster City, Iowa 50595		
Request:	\$851,110 - Grant - R&D/Demo	Project Title:	Land Application Practices for Wet Corn Milling Biosolids
Applicant:	Private Not For Profit	Contact:	Gary Chamness - (515)325-6181
Description:	The proposed project will determine sustainable land application practices and agronomic benefits to crops by land applying wet corn milling biosolids as an organic fertilizer and soil amendment. Grant assistance is requested for labor, land rental, vehicle/trailer and tractor/disk rental, insurance, permits, fuel, repairs, sampling and analysis, miscellaneous costs, travel, presentations, publications and overhead.		

Application 11:	Howard County Conservation Board County Courthouse 137 North Elm Street Cresco, Iowa 52136		
Request:	36,032 - Grant - Education	Project Title:	Recycled Product Playground
Applicant:	Local Government	Contact:	Harold Chapman - (515)547-3634
Description:	The applicant is proposing to purchase and install two playgrounds constructed of recycled materials. Recycled products include play equipment, landscaping materials, safety surfacing, furniture and signage. The playgrounds will be used for both formal and informal education by enhancing environmental awareness through use by area schools and self-guided park visits. Grant assistance is requested for the purchase of recycled products.		

Application 12:	DuraPave, Inc. 3704 W. Lincoln Way, Ste. 107 Ames, Iowa 50014-3401		
Request:	\$498,705 - Grant - R&D/Demo	Project Title:	Alternative Pothole Repair Material
Applicant:	Private For Profit	Contact:	Jolene Hynes - (515)233-2632
Description:	The applicant is requesting financial assistance to determine the feasibility of DuraPave as an environmentally sound and marketable process and to develop a plan to test and market the DuraPave process and product. DuraPave is an alternative material used to repair potholes in streets. The material is comprised chiefly of landfilled fly ash, cupola slag, a by-product from foundries with electric cupola furnaces (not steel slag) and sulfur. Grant assistance is requested for equipment, material testing and evaluation, travel, wages and labor, and education materials.		

Application 13:	Atlas Structures, L.L.C. 1639 Green Valley Rd. NW Waukon, Iowa 52172		
Request:	\$16,185 - Grant - R&D/Demo	Project Title:	Baled Tire Structure Construction
Applicant:	Private For Profit	Contact:	Ron Sweeney - (319)568-4630
Description:	The proposed project involves demonstrating the use of baled tires in the construction of push walls, recyclable material drop-off containment walls, and as a foundation supporting a sign wall constructed of baled tires encased in concrete. Grant assistance is requested for labor and supplies for baling operations, concrete and a trailer.		

Application 14:	Atlas Structures, L.L.C. 1639 Green Valley Rd. NW Waukon, Iowa 52172		
Request:	\$20,900 - Grant - R&D/Demo	Project Title:	Bead Wire As Road Sub-Base
Applicant:	Private For Profit	Contact:	Ron Sweeney - (319)568-4630
Description:	The applicant is proposing to use processed bead wire as a sub-base material in road construction and to use strapped whole tires as a culvert or baled tires to assist in controlled water run-off. Grant assistance is requested for placing processed scrap tire bead wire as a component of the road base		

Application 15:	Atlas Structures, L.L.C. 1639 Green Valley Rd. NW Waukon, Iowa 52172		
Request:	\$490,950 - Loan	Project Title:	Scrap Tire Recycling
Applicant:	Private For Profit	Contact:	Ron Sweeney - (319)568-4630

Description:	The proposed project involves processing scrap tires into tire derived fuel, crumb rubber and playground surface material. Financial assistance is requested for the purchase of tire processing equipment.		
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Application 16:	Atlas Structures, L.L.C. 1639 Green Valley Rd. NW Waukon, Iowa 52172		
Request:	\$130,836 - Loan	Project Title:	Tire Baling Equipment
		Contact:	Ron Sweeney - (319)568-4630

Applicant:	Private For Profit		
Description:	The applicant is seeking assistance to purchase equipment necessary to increase the manufacture of tire bales for use in a variety of construction projects from buildings to river levy projects. Loan assistance is requested for the purchase of scrap tire baling equipment, forms for encasing tire bales in concrete and a pull trailer.		

Application 17:	D&K Products 5191 NE 17th Des Moines, Iowa 50313		
Request:	\$51,740 - Grant - R&D/Demo	Project Title:	Processed Scrap Tire Market Demonstration
Applicant:	Private For Profit	Contact:	Steve Krantz - (800)798-9352
Description:	The applicant is proposing to demonstrate the use and benefits of processed scrap tires in high traffic, turf management applications. Scrap tires are shredded to a size of 3/4 inch or less with metals removed and used as a top dressing to the turf. The granulated rubber will protect the grass, reduce water needs and decrease other turf maintenance costs. Grant assistance is requested for the purchase and installation of the granulated rubber, travel, administration, research and monitoring.		

Application 18:	Union County Solid Waste Management Commission Union County Courthouse 300 N. Pine Street Creston, Iowa 50801		
Request:	\$35,000 - Grant - Education	Project Title:	Waste Reduction and Recycling Education
Applicant:	Local Government	Contact:	Gerald McLain - (515)782-4610
Description:	The applicant is proposing to hire a part-time education coordinator to provide waste reduction and recycling education for a three county planning area. Targeted will be citizens, schools, business, industry and other interested groups. The goal of the project is to expand and enhance recyclable material identification, recycling opportunities and understanding of waste reduction and recycling issues through presentations, educational materials, videos, slide presentations, educational columns in local newspapers, etc. Grant assistance is requested for personnel and equipment.		

Application 19:	University of Northern Iowa Center for Energy and Environmental Education Cedar Falls, Iowa 50614-0293		
Request:	\$31,025 - Grant - Education	Project Title:	Festival Recycling Project
Applicant:	Local Government	Contact:	Rick Stinchfield - (319)273-7357
Description:	The applicant is proposing to implement a comprehensive education and recycling program designed to promote awareness of the waste hierarchy and recycling at three northeast Iowa		

festivals (Sturgis Falls Celebration, Cedar Basin Jazz Festival, and College Hill Arts Festival) held during the summer of 1997. During the festivals, their waste streams, grounds configuration, patron behavior with regard to trash disposal, waste handling, patron attitudes toward waste reduction and recycling and other factors will be studied. For the 1998 festivals, an educational program will be developed along with a companion recycling program for each festival. Results of the 1998 festivals, will be analyzed and a waste reduction and recycling manual will be produced for use at other Iowa festivals and events. Grant assistance is requested for labor, education materials and manual printing and distribution.

Application 20:	Barker Environmental Services, Inc. 1300 Cummins Road, Suite 201 Des Moines, Iowa 50315	Project Title:	Geographic Information System Application of Solid Waste Management Data
Request:	\$72,600 - Grant Education	Contact:	Tom Clark - (515)683-9538
Applicant:	Private For Profit		
Description:	The applicant is proposing to develop a solid waste geographic information system data base that can be used to evaluate data in a digital mapping format. This format will allow visually presenting a variety of solid waste related data, layer by layer, to assist in solid waste issues identification and solid waste management decisions. Grant assistance is requested for personnel, travel, supplies, printing, postage, equipment, and telephone.		

Application 21:	BFC Gas and Electric. LC 2010 South Ankeny Blvd. Ankeny, Iowa 50021	Project Title:	Biomass Fuel Product Manufacture
Request:	\$327,420 - Grant - R&D/Demo	Contact:	Warren Dunham - (515)964-6787
Applicant:	Private For Profit		
Description:	The proposed project involves custom blending various types of biomass streams (forestry, agricultural, industrial and urban biomass) into a feedstock suitable for gasification resulting in the generation of electricity. Grant assistance is requested for the purchase and installation of biomass processing equipment and engineering costs.		

Application 22:	Scranton Manufacturing Co., Inc. 101 State Street PO Box 336 Scranton, Iowa 51462	Project Title:	Curbside Recycling Vehicle
Request:	\$214,422 - Grant - R&D/Demo	Contact:	Kevin Watjie - (712)652-3396
Applicant:	Private For Profit		
Description:	The applicant is seeking assistance to design and develop a recycling vehicle that will make curbside recyclables collection more economical. Curbside collection will be fully automatic using a split body vehicle and a split body recycling container. Grant funds are requested for building construction, equipment and prototype vehicle body construction.		

Application 23:	Landfill Intercept 1325 22nd Street Des Moines, Iowa 50311	Project Title:	Scrap Tire Recycling
Request:	\$42,380 - Grant - R&D/Demo	Contact:	Jim Rigsby - (515)283-1445
Applicant:	Private For Profit		
Description:	The applicant is proposing to provide a mobile scrap tire baling service with tire bales delivered		

to an out of state pyrolysis facility. Grant funds are requested for rental of a tire baler, labor, supplies, tire bale transportation, forklift and tire bale disposal costs.

Application 24:	Van Buren County Solid Waste Management Commission PO Box 475 Keosauqua, Iowa 52565		
Request:	\$20,250 - Grant - Education	Project Title:	Recycling & Waste Reduction Education
Applicant:	Local Government	Contact:	Gene Stine - (319)498-4554
Description:	The applicant is proposing to hire a part-time education coordinator to provide waste reduction and recycling education throughout Van Buren County Planning Area. The project will target the general public, schools, business and industry on solid waste management alternatives that can be used to reduce solid waste generation and that the solid waste they recycle serves as raw material resources. Grant assistance is requested for personnel, supplies, printing and postage.		

Application 25:	Nature's Furnace, Inc. 3338 Ute Avenue Waukee, Iowa 50263		
Request:	\$246,310 - Grant - R&D/Demo	Project Title:	Combustion With Energy Recovery
Applicant:	Private For Profit	Contact:	John Kimberlin - (515)987-2397
Description:	The applicant is proposing to develop and demonstrate a biomass reactor that will combust a variety of urban and agricultural biomass with heat recovery. Initial demonstration will use wood wastes and animal manures as the test fuel source. Subsequent demonstrations will use other combustible materials. Grant funds are requested for equipment, operating costs, building lease, labor, truck and trailer, legal and patent expense, promotion and marketing, office equipment and supplies.		

Application 26:	Jeff Kleinow 206 Smith PO Box 55 Luana, Iowa 52156		
Request:	\$140,928 - Grant - Waste Reduction	Project Title:	Waste Pallet Recycling
Applicant:	Private For Profit	Contact:	Jeff Kleinow - (319)539-4220
Description:	The applicant is proposing to provide a used pallet recycling service in northeast Iowa. Used pallets will be repaired and marketed or dismantled with useable wood sold to pallet manufacturers. Grant funds are requested for building renovation and equipment.		

Ms. Hay reviewed the LAFA applications and noted that the selected recipient applications will be brought for the Commission's approval next month.

Chairperson King asked about an applicant qualifying if they have an appeal on an administrative penalty.

Ms. Hay replied that the rules state one is not eligible to receive this financial assistance unless they are in compliance with state and local regulations.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 216, REGENTS TIRE DERIVED FUEL PROGRAM

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Iowa General Assembly adopted comprehensive waste tire management legislation, HF 2433, during the 1996 Session. One of several components within HF2433 included establishment of a program for the allocation of moneys to State Board of Regents' institutions of higher education to offset additional fuel costs incurred through the use of tire-derived fuel in generating heat, electricity, or power on a British thermal unit (Btu) equivalency basis. Iowa Code chapter 455D.11E directs the Department to adopt administrative rules to implement this program.

Proposed rules for the implementation of this program address the following:

- Allocation of a total of \$100,000 annually, for fiscal years 1997-2002.
- Eligible institutions include the three State universities.
- Moneys to be awarded as reimbursement funding to offset additional fuel costs associated with the purchase of tire-derived fuel.
- Consideration for reimbursement only if tire-derived fuel is purchased from a tire processor located within Iowa.
- Institutions must submit an annual letter of intent to participate in program.
- If funding requests exceed total of annual funding available, moneys will be awarded proportionately, based on each institution's quantity of tire-derived fuel used.

The Commission is requested to approve this Notice of Intended Action for proposed rules addressing the establishment of the Regents Tire-Derived Fuel Program. If the Notice of Intended Action is approved by the Commission, public notice and hearings will be conducted to solicit public comment on these rules.

**ENVIRONMENTAL PROTECTION COMMISSION (567)
Notice of Intended Action**

Pursuant to Iowa Code section 455D.11E, the Environmental Protection Commission hereby gives Notice of Intended Action to adopt chapter 216, "Regents Tire-Derived Fuel Program." Iowa Administrative Code.

This new chapter provides for the allocation of moneys to State Board of Regents' institutions of higher education to offset additional fuel costs incurred by these institutions through the use of tire-derived fuel in generating heat, electricity, or power on a British thermal unit equivalent basis.

Any interested party may make written suggestions or comments on the rules proposed in this Notice of Intended Action prior to _____, 1997. Such written comments should be directed to Mel Pins, Waste Management Assistance Division, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-

0034; fax (515) 281-8895. Persons who wish to convey their views by telephone should also contact Mel Pins, Waste Management Assistance Division at (515) 281-8646 or at offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa.

A public hearing will be held on _____, 1997, at _____ a.m. in the _____ Floor Conference Room, Wallace State Office Building, Des Moines, Iowa, at which time comments may be submitted orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who plan to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These rules are intended to implement Iowa Code section 455D.11E.

The following new chapter is proposed.

CHAPTER 216

REGENTS TIRE DERIVED FUEL PROGRAM

567--216.1(455D) Goal. The goal of this program is to assist in the State's effort to manage waste tires in an environmentally sound manner, by encouraging State board of regents institutions of higher education to use waste tires for beneficial uses to the fullest extent practicable, including the use of tire-derived fuel.

567--216.2(455D) Purpose. The purpose of this chapter is to establish a regents tire- derived fuel program for the allocation of moneys to such institutions to offset additional fuel costs incurred through the use of tire-derived fuel in generating heat, electricity, or power on a British thermal unit equivalent basis. This program shall be available only to the extent that such moneys help to reduce the number of waste tires within the State.

567--216.3(455D) Definitions. As used in this chapter:

"Additional fuel costs" means the difference between the purchase price of tire-derived fuel and the purchase price of an institution's primary fossil fuel as compared on a price per million Btu equivalency basis.

"Btu" means British thermal unit

"Department" means Iowa department of natural resources.

"Institutions" means the following institutions of higher education as governed by the state board of regents:

1. The state university of Iowa.
2. The Iowa state university of science and technology, including the agricultural experiment station.
3. The university of northern Iowa.

"Processing site" means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.

"Tire-derived fuel" means a fuel derived from waste tires. This may include whole tires or

tires processed into uniform, flowable pieces which satisfy the specifications of the end-user for use as either a primary or supplemental fuel.

“Tire Processor” means a person who reduces waste tires into a processed form suitable for recycling or producing fuel for energy or heat, or uses whole waste tires in any other beneficial use as authorized by the department. “Tire processor” does not mean a person who retreads tires or processes and stores tires.

“Waste management assistance division” means the waste management assistance division of the department of natural resources established by 455B.483.

“Waste tire” as defined in Iowa Code section 455D.11, means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. “Waste tire” does not include a nonpneumatic tire.

567--216.4(455D) Role of the department of natural resources. The department is responsible for the administration of funds for award to regents institutions under these rules. The department will assure that funds disbursed meet guidelines established in Iowa Code section 455D.11E.

567--216.5(455D) Funding source. The department will use funds available from the waste tire management fund authorized by Iowa Code section 455D.11C. Pursuant to Iowa Code section 455D.11E, \$100,000 in annual funding is provided for the regents tire-derived fuel program over a six-year period, beginning in fiscal year 1997 through fiscal year 2002.

567--216.6(455D) Eligibility. Any institution as defined in 216.3 may request funding through this program to offset additional fuel costs incurred through the purchase of tire-derived fuel during the fiscal year for which funding has been requested, subject to the requirements of this chapter, and the following conditions:

1. The institution may request reimbursement only if the tire-derived fuel was purchased from a tire processor operating a processing site located within Iowa, and
2. The institution must be in compliance with all local, state, and federal regulations and requirements regarding the use and combustion of tire-derived fuels.

567--216.7(455D) Eligible Costs. Institutions may request reimbursement funding to offset additional fuel costs associated with the purchase of tire-derived fuel. The reimbursement allocation shall be based upon the difference between the purchase price of tire-derived fuel and the purchase price of the institution’s primary fossil fuel on a price per million Btu equivalency basis.

In arriving at this cost difference, transportation costs associated with transport of the tire-derived fuel from the processor to the institution may be considered in this comparison, provided that the costs associated with transport of the primary fossil fuel used by the institution is also included in the comparison.

567--216.8(455D) Ineligible costs. Funds through this program shall not be provided or used for costs that include, but are not limited to, the following:

1. Purchase of equipment for off-loading, handling, or storing tire-derived fuel;
2. Building purchase, construction, remodeling, rent, or leasing associated with the storage or

processing of tire-derived fuel;

3. Operating and equipment maintenance expenditures;
 4. Administration and accounting;
 5. Consultant fees;
 6. Permits, fees, and monitoring expenses;
 7. Labor costs associated with transfer, storing, or handling of tire-derived fuel; and,
 8. Purchase of tire-derived fuel outside of the fiscal year for which funds are currently available.
-

567--216.9(455D) Intent to participate. Institutions desiring to obtain cost reimbursement through the regents tire-derived fuel program shall submit a letter of intent to the department, which shall describe their intent to participate in the program, by June 1st prior to the beginning of the fiscal year for which funds are anticipated to be requested. The letter of intent shall provide the following information:

1. Estimated quantity of tire-derived fuel to be purchased during the fiscal year as measured on a tonnage basis.
2. A comparison between the purchase price of tire-derived fuel and the purchase price of the institution's primary fossil fuel on a price per million Btu equivalency basis.

In arriving at this cost difference transportation costs associated with transport of the tire-derived fuel from the processor to the institution may be considered in this comparison, provided that the costs associated with transport of the primary fossil fuel used by the institution is also included in the comparison.

3. Any contract or bid obtained by the institution for the purchase of tire-derived fuels from producers of tire-derived fuel products must be provided to the department. Procedures used to make contract award determinations shall also be described. If multiple bids or price estimates were obtained by the institution, all such bid and pricing information shall be included in the narrative submitted to the department.

567--216.10(455D) Allocation of funds. Funding shall be allocated to institutions as reimbursement for eligible costs as described in 216.7. Such reimbursement shall be made available at the end of each quarter of the fiscal year that funding has been allocated for.

216.10(1) Funding allocation limitations. The department shall determine the total amount of funding available for allocation to an institution during a fiscal year, based upon consideration of the following:

- a. The institution's estimated total eligible expenditures for the fiscal year funding has been requested, as contained in the institution's letter of intent to participate, as described in 216.9.
- b. An individual institution's estimate of funds to be requested shall be compared to the total amount of funding available. If the total amount of funds requested by all institutions exceeds the total amount of annual funds available, funding allocations shall be made proportionately between the institutions based on the estimated tonnages of tire-derived fuel estimated to be procured during the fiscal year period by each institution.

216.10(2) Allocation of remaining funds. An institution which does not submit a letter of intent to participate according to the schedule as listed in 216.9, may still be eligible to receive reimbursement for tire-derived fuel purchases subject to the following:

- a. Sufficient program funds remain after allocations to institutions that previously submitted

letter of intent that were approved by the department.

b. The institution submits a letter of intent to participate in accordance with 216.9 for the portion of the fiscal year that yet remains.

567--216.11(455D) Disbursement of funds. Funds through the program shall be disbursed to institutions approved by the department. Funds shall be disbursed as reimbursement for approved expenditures on a quarterly fiscal year basis; ending dates of each quarter of a fiscal year are September 30, December 31, March 31, and June 30.

The department will issue reimbursement payments to the institution only. In order to disburse funds an institution must submit the following information within 45 days following the end of the fiscal year quarter for which reimbursement is requested:

1. Copies of statements or invoices that clearly denote the quantity of tire-derived fuel delivered to the institution, and the purchase price for the tire-derived fuel, during the past fiscal year quarter for which funds have been requested.
2. Copies of statements, invoices, or other documentation that clearly denotes the purchase price of the primary fossil fuel used by an institution during the equivalent fiscal year quarter.
3. Reports or analysis of the Btu value of the tire-derived fuel purchased and the primary fossil fuel purchased during the period for which the reimbursement is to be awarded.
4. Comparison of the above listed information for determination of the additional fuel costs incurred on a per million Btu equivalent basis.
5. Submittal of a correctly completed state claim voucher to the department.

567--216.12(455D) Funding denial. An institution may be denied funding through this program for any of the following reasons:

1. An institution does not meet the definition of "institution", as defined in 216.3;
2. An institution does not meet eligibility requirements pursuant to 216.6 to 216.8; or,
3. An institution does not provide sufficient information as requested in 216.9 and 216.11.

These rules are intended to implement Iowa Code section 455D.11E.

Date

Larry J. Wilson, Director

Ms. Hay gave a detailed explanation of the rules.

Brief discussion followed.

Motion was made by Terrance Townsend to approve Notice of Intended Action--Chapter 216, Regents Tire Derived Fuel Program. Seconded by William Ehm.

Gary Priebe commented that if Iowa dollars are being spent on this the tires should be coming from Iowa, adding that Iowa is spending money to burn Illinois tires.

Ms. Hay noted that 80% of Eastern Iowa Tire Recyclers tires come from Iowa sources. She related that the law specifies the tires have to come from Iowa processors.

Vote on Commissioner Townsend's motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 217, WASTE TIRE PROCESSOR INCENTIVE PROGRAM

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Iowa General Assembly adopted comprehensive waste tire management legislation, HF 2433, during the 1996 Session. One of several components within HF2433 included the establishment of a program for the allocation of moneys to eligible waste tire processors located within the State, as an incentive to encourage tire processors to lower the rates at which they sell processed waste tire materials. Iowa Code chapter 455D.11F directs the Department to adopt administrative rules to implement this program.

Proposed rules for the implementation of this program address the following:

- Allocation of a total of \$300,000 annually, for fiscal years 1997-2002.
- Waste tire processors must process more than 250,000 tires annually in order to be eligible for funding through this program..
- An individual tire processor may receive twenty cents per tire for each processed or whole waste tire delivered to a site or sites of beneficial end use.
- An individual tire processor may receive no more than \$20,000 annually within this program.

The Commission is requested to approve this Notice of Intended Action for proposed rules addressing the establishment of the Waste Tire Processor Incentive Program. If the Notice of Intended Action is approved by the Commission, public notice and hearings will be conducted to solicit public comment on these rules.

**ENVIRONMENTAL PROTECTION COMMISSION (567)
Notice of Intended Action**

Pursuant to Iowa Code section 455D.11F, the Environmental Protection Commission hereby gives Notice of Intended Action to adopt chapter 217, "Waste Tire Processor Incentive Program" Iowa Administrative Code.

This new chapter provides for the awarding of incentive moneys to eligible waste tire processors located within the State, as an incentive to encourage such tire processors to lower the rates at which they sell processed waste tire materials.

Any interested party may make written suggestions or comments on the rules proposed in this Notice of Intended Action prior to _____, 1997. Such written comments should be directed to Mel Pins, Waste Management Assistance Division, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, fax (515) 281-8895. ~~Persons who wish to convey their views by telephone should also~~ contact Mel Pins, Waste Management Assistance Division at (515) 281-8646 or at offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa.

A public hearing will be held on _____, 1997, at _____ a.m. in the _____ Floor Conference Room, Wallace State Office Building, Des Moines, Iowa, at which time comments may be submitted orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who plan to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These rules are intended to implement Iowa Code section 455D.11F.

The following new chapter is proposed.

CHAPTER 217

WASTE TIRE PROCESSOR INCENTIVE PROGRAM

567--217.1(455D) Goal. The goal of this program is to provide an incentive to encourage tire processors to lower the rates at which they sell processed waste tire materials.

567--217.2(455D) Purpose. The purpose of this chapter is to establish a waste tire processor incentive program for the allocation of moneys to such processors.

567--217.3(455D) Definitions. As used in this chapter:

"Department" means Iowa department of natural resources.

"Passenger tire equivalent" means a conversion measurement used to estimate waste tire amounts from a total weight figure where one passenger car tire is equal to 20 pounds.

"Processing site" means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.

"Site of end use" means a site where whole or processed waste tires are recycled or reused in a beneficial manner authorized by the department.

"Tire Processor" means a person who reduces waste tires into a processed form suitable for recycling or producing fuel for energy or heat, or uses whole waste tires in any other beneficial use as authorized by the department. "Tire processor" does not mean a person who retreads tires or processes and stores tires.

"Waste management assistance division" means the waste management assistance division of the department of natural resources established by 455B.483.

“*Waste tire*” as defined in Iowa Code section 455D.11, means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. “Waste tire” does not include a nonpneumatic tire.

567--217.4(455D) Role of the department of natural resources. The department is responsible for the administration of funds awarded to tire processors under these rules. The department will assure that funds disbursed meet guidelines established in Iowa Code section 455D.11F.

567--217.5(455D) Funding source. The department will use funds available from the waste tire management fund, authorized by Iowa Code section 455D.11C. Pursuant to Iowa Code section 455D.11F, \$300,000 in annual funding is provided from the waste tire management fund for the waste tire processor’s incentive program over a six-year period, beginning in fiscal year 1997 through fiscal year 2002. Funds shall be made available to eligible tire processors as specified in 217.7 at the end of each fiscal year.

567--217.6(455D) Allocation of funds. The department shall determine the total amount of funding available for allocation to an individual tire processor during a fiscal year, based upon consideration of the following:

217.6(1) *Maximum Allocation.* Eligible tire processors may receive funding of twenty cents per passenger tire equivalent processed and delivered to a site or sites of end use. An individual tire processor shall not receive more than \$20,000 from the waste tire management fund in a fiscal year.

217.6(2) *Allocation requests in excess of funding availability.* An individual tire processor’s request for funds shall be compared to the total amount of annual program funding available. If the total amount of requests for funds exceeds the total amount of annual funds available, funding allocations shall be made proportionately based on the passenger tire equivalent of waste tires processed and delivered to a site or sites by each tire processor during the fiscal year for which funding has been requested.

567--217.7(455D) Eligibility. Any tire processor as defined in 217.3 may request funding through this program, subject to the requirements of this chapter, and the following conditions:

- (1) The tire processor must be currently operating a tire processing site located within Iowa.
- (2) The tire processor must annually process the passenger tire equivalent of more than 250,000 waste tires, as defined in section 455D.11, into a form suitable for recycling or the production of fuel for energy or heat, or must deliver 250,000 or more whole waste tires to a site or sites of beneficial use as approved by the department.
- (3) Of the total annual quantity of tires processed, only those processed tires or whole waste tires that are delivered to a site or sites of end use will qualify for funding as specified in 217.6(1).
- (4) The tire processor must be in compliance with all applicable provisions of local, state, and federal regulations, including the department’s waste tire storage, collection, and processing requirements as set forth in 567-- Chapter 117.

(5) There are no current or pending enforcement actions against the tire processor by the department. If such actions exist, the tire processor is ineligible to receive moneys under this program.

567--217.8(455D) Request for funds. Tire processors desiring to obtain funds through the waste tire processor incentive program shall submit a written request for funds to the department no earlier than July 1st and no later than September 1st after the end of a fiscal year for which funds are requested. The written request shall provide the following information:

- (1) Address and location of the tire processing operation.
- (2) Documentation, reporting, or statements, submitted to the satisfaction of the department, that denote the processing of more than 250,000 waste tires by the tire processor within the fiscal year that funds have been requested for.
- (3) Documentation of the quantity of processed or whole waste tires, on a passenger tire equivalency basis, that have been delivered to a site of end use.
- (4) A statement of how funds awarded through this program will be used by the tire processor. Consistent with the goals of the program, as specified in 217.1, processors are encouraged to use funds awarded to lower the rates at which they sell processed waste tire materials.

567--217.9(455D) Disbursement of funds. Funds through the program shall be disbursed to tire processors that have submitted a request for funds to the waste management assistance division, and have had such a request approved by the department. The department will disburse funds to the permitted tire processor only. Within 30 days of the tire processor's notification of approval of the request for funds by the department, the tire processor shall submit a correctly completed state claim voucher to the department. Payment to the tire processor will then be issued.

567--217.10(455D) Funding denial. A tire processor may be denied funding through this program for any of the following reasons:

- 1. A processor does not meet the definition of "tire processor", as defined in 217.3;
- 2. A tire processor does not meet the eligibility requirements pursuant to 217.7; or,
- 3. A tire processor does not provide sufficient information as requested in 217.8.

These rules are intended to implement Iowa Code section 455D.11F.

Date

Larry J. Wilson, Director

Ms. Hay reviewed details of the rule.

Discussion followed regarding the number of tire processors in the state (6-8); the amount of tires they process annually (250,000); and unspent funds going for cleanup of stockpiles and to bring existing facilities into compliance.

Motion was made by Rita Venner to approve Notice of Intended Action--Chapter 217, Waste Tire Processor Incentive Program. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

HOUSEHOLD HAZARDOUS MATERIALS RETAILERS CONSUMER EDUCATION PROGRAM CONTRACT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Every day Iowans dispose of household hazardous materials (HHM) down drains, storm sewers and in landfills. Although household hazardous waste only comprises approximately 1% of the municipal solid waste stream it is the most hazardous segment of the solid waste stream. The public’s awareness of these issues must be raised to preserve the quality of our finite natural resources that are vital to our existence. Iowa is one of two states that has a program in place that, when working effectively, can raise the awareness of the public regarding the disposal of HHMs. This program is the Retailers Consumer Education Program (RCEP), which is a permit and shelf labeling program. A shelf labeling program uses stickers, signs and brochures to assist consumers in identifying HHMs, and to inform them about HHM management and safer alternatives.

- The RCEP was created in 1987 by the Groundwater Protection Act and is administered by the Waste Management Assistance Division (WMAD). The Iowa Department of Revenue and Finance assists the DNR in the collection and tracking of RCEP permits and funds. Through this program, retailers who sell HHMs are required to:
- display a permit, renewable on a yearly basis, and
- make available information brochures about HHM management and post shelf labels and signs next to items that are considered HHMs according to law.

If stickers, signs and brochures are properly posted consumers will be able to make more informed purchasing decisions. When consumers make an informed purchase they can:

- buy safer alternatives; **OR**
- buy only as much of a HHM as they need;
- use up the HHM or give away any unused portions;
- dispose of any leftover HHMs properly.

Thus reducing purchases of HHMs at the source.

The purpose of this contract with a marketing consultant is to review and revise Iowa’s RCEP to improve its effectiveness. The review of the RCEP involves the development of strategies and recommendations for improving the program based on findings from consumer focus groups, the evaluation of existing partnerships, review of communications materials and interactions between consumers, retailers and the Department of Natural Resources (DNR). The marketing consultant will also assist in implementing program changes within a “test” region of the state,

measuring results of the new marketing program and refining the program before it is released statewide. This revised program will be a model to be used by other states.

In 1988, a survey conducted by a University of Iowa graduate student concluded that a majority of stores were not in compliance with the Act's requirements. Non-compliance levels ranged from 63 percent for grocery stores to 91 percent for convenience stores. Due to a lack of DNR staff and adequate enforcement measures, no follow-up measurement of the effectiveness of the program was accomplished. In 1994, the League of Women Voters of Iowa conducted a study that indicated that between 50-60 percent of Iowa's retailers are in some form of partial compliance with the display requirements of the RCEP and only about six percent of Iowa's retailers are operating in full compliance with these display requirements. As evidenced by the low level of compliance shown in these studies, the current methods of communication among the DNR, retailers, and consumers is not working. To achieve a higher rate of compliance this program must be fully evaluated and resulting program changes tested and measured. The revised program can then be implemented statewide.

The goals of revising the RCEP are:

Goal #1: To raise retailer compliance with the display requirements of this program, increasing full compliance levels by a minimum of 25 percentage points based on a retailer compliance survey conducted by the League of Women Voters of Iowa.

Goal #2: To raise retailer awareness of safer alternatives and increase sales of safer alternatives by a minimum of 25 percentage points. To raise consumer awareness of safer alternatives and increase sales of safer alternatives by a minimum of 25 percentage points.

To achieve these goals, in early September 1996, requests for proposals (RFP) were sent to 54 marketing consultants to be evaluated through a competitive review process. An information meeting was held September 25 for those parties interested in submitting a proposal. Six proposals were received by the deadline of October 9, 1996 for consideration. A review team of five members from DNR and DED met and selected the top three proposals to be called in for interviews. Based on the review of their written proposal and interview, Cascadia Consulting Group, Inc. was selected to revise the RCEP.

Cascadia Consulting Group, Inc. is an environmental marketing firm that has worked on many environmental education campaigns with the HHM Program in Washington. Cascadia scored significantly higher than the other top firms on both the written proposal and the interview. Some of the strengths of Cascadia's proposal are listed below:

- This was the only proposal with the specific related experience requested in the RFP. They are more than just a standard research or PR firm. Their environmental consulting experience is directly relevant to this project. It was significant that their description of "similar projects" were indeed similar, and they explained the similar aspects of those projects in detail. The other firms didn't emphasize this important point. Projects such as this are part of Cascadia's "mission."

- They have worked for and with groups that give their perspective more “depth” in terms of what works to change consumer behavior, etc. Cascadia was the only firm that discussed using the expertise of groups such as the Washington Toxics Coalition.
- Their proposal demonstrated an emphasis on the importance of process and building a foundation for future initiatives (instead of focusing on products, such as a report). Cascadia will attempt to educate retailers and consumers throughout the process, rather than just describing survey results in a report. Their “grassroots” approach to citizen involvement can be more long-lasting and effective than telephone surveys, etc.
- Strategies to improve the RCEP would be crafted through a “charette” with retailers and consumers to create a workable solution.
- Cascadia was the only firm to fully address both Phase I: Part A “Evaluation of the existing Program” and Phase I: Part B “Recommendations and strategies.”
- Cascadia was the only firm that addressed development of measurement/evaluation tools for achievement of both of the RFP’s goals.

The Cascadia Consulting Group, Inc. proposal includes:

- 50 phone interviews with stakeholders, partners, key administrators and decision makers;
- 2 roundtable discussions with targeted retailers from urban and rural areas and large and small businesses;
- 2 focus groups with consumers;
- Follow-up phone survey of 300 consumers selected at random;
- A “charette” will be held with HHM staff and other stakeholders. This is an intensive workshop in which the participants will work in teams to address a design problem or a series of programs. The power of the charette is that a large group of people can come up with a number of creative solutions in a relatively short period of time. At the end of the charette the review teams will be able to compare ideas and devise a recommended program strategy;
- Development of a statewide HHM education campaign consisting of various communication approaches (i.e. database marketing, retailer recognition programs, partnership programs, in-store signage and others);
- The Contractor will develop evaluation/measurement tools to measure compliance with signage requirements and the purchasing behavior of retailers and consumers;
- Review of current printed communications and provide on-going public relations support including a printed communication guidance memorandum for the design and layout of future HHM printed communications.

The contract for revision of the RCEP is presented to the commission for approval. The budget for this proposal is \$ 47,736.00 and the work will be accomplished over portions of two fiscal years. Funding comes from the Household Hazardous Materials Fund. Exhibit A: Statement of Work and Exhibit C: Budget, from the contract, is attached.

EXHIBIT A
STATEMENT OF WORK
 January 22, 1997

Goal #1: To raise retailer compliance with the display requirements of this program, increasing full compliance levels by a minimum of 25 percentage points based on a retailer compliance survey conducted by the League of Women Voters of Iowa.

Goal #2: To raise retailer awareness of safer alternatives and increase sales of safer alternatives by a minimum of 25 percentage points. To raise consumer awareness of safer alternatives and increase sales of safer alternatives by a minimum of 25 percentage points.

PHASE I: PART A: EVALUATION OF EXISTING PROGRAM: The Contractor will evaluate every aspect of the existing program. This evaluation will include, but is not limited to program relationships with other governmental agencies including the Iowa Department of Revenue and Finance, Toxic Cleanup Day Coordinators, Regional Collection Centers, retailers and consumers. The Contractor will develop evaluation/measurement tools to measure compliance with signage requirements and the purchasing behavior of retailers and consumers. The Contractor will also review the program's existing printed retailer communications (i.e. the retailer's brochure, permits, applications for permits and associated companion pieces) and review the program's consumer communications (i.e. shelf labels, signs and brochures).

Market research and partnership development: Design and implement a variety of market research activities, including but not limited to:

1. Fifty telephone interviews with stakeholders, partners and key administrators to determine stakeholder perceptions and to develop or re-establish program partners;
2. Two roundtable discussions with targeted retailers from urban and rural areas, and large and small businesses to assess retailers' awareness of attitudes toward signage compliance and the purchase/sale of household hazardous materials and safer alternatives to understand their perceptions and concerns while determining the needs of corporate and private retailers;
3. Two focus groups to elicit views from rural, and urban Iowans;
4. 300 phone surveys with consumers to test strategies for increasing consumer awareness and changing purchasing behavior.

Printed communication guidance memorandum: The Contractor shall create a printed communication guidance memorandum for the design and layout of future HHM printed communications. This memorandum shall be consistent with WMAD image guidelines and create a consistent "look" for all HHM printed communications.

Reports and meetings: To provide the project managers a record of the Contractor's activities and expenses, the consultant will produce a monthly report summarizing the previous month's activities and Phase I: Part A final report that summarizes the evaluation findings. As requested by the IDNR Contract Officers, the Contractor will make program presentations to WMAD Administration, the Iowa Environmental Protection Commission, Iowa retailer associations or other groups as designated.

PHASE I: PART B: STRATEGIES AND RECOMMENDATIONS FOR REVISED PROGRAM: DNR and the Contractor will take findings from Phase I, Part A and construct strategies and recommendations for revising the program for retailers, consumers, and local partnerships.

Consensus building: The Contractor shall conduct a "charette" with a representative sample of stakeholders to achieve a consensus on recommended strategies for improving the program.

Statewide HHM education campaign: A statewide HHM education campaign shall be developed consisting of various communication approaches (i.e. database marketing, retailer recognition programs, partnership programs, in-store signage and others).

Reports and meetings: To provide the project manager a record of the Contractor's activities and expenses, the Contractor will produce a monthly report summarizing the previous month's activities and Phase I: Part B final report that summarizes the evaluation findings.. As requested by the IDNR Contract Officers, the Contractor will make program presentations to WMAD Administration, Environmental Protection Commission, Iowa retailer

associations or other groups. Total presentations will not exceed three during either Part A or Part B of Phase I. These presentations will be scheduled during time periods when the Contractor is in Iowa to perform work.

EXHIBIT C

BUDGET

January 22, 1997

PHASE I: PART A

Market Research:	\$ 27,865.00
• 50 telephone interviews with stakeholders	
• 2 roundtable discussions with retailers	
• 2 focus groups with consumers	
• 300 telephone surveys with consumers	
Program Partnerships:	0.00
• establish/re-establish on-going program partnerships	
Evaluation Tools:	\$ 1,320.00
• develop evaluation/measurement tools to measure compliance with signage requirements and the purchasing behavior of retailers and consumers	
Provide Ongoing support:	\$ 3,281.00
• review current printed communications and provide on-going public relations support including a printed communication guidance memorandum	

PHASE I: PART B:

Consensus building:	\$ 5,375.00
• set up and conduct the charette	
HHM education campaign:	\$ 4,535.00
• A statewide campaign evaluating various communication approaches including:	
• database marketing;	
• retailer recognition programs;	
• partnership programs;	
• in-store signage;	
• and others.	

PHASE I: PART A & B:

Reports and meetings:	\$ 2,680.00
Final Reports:	<u>\$ 2,680.00</u>
	\$ 47,736.00

Mr. Hay gave a detailed explanation of the program and contract. She related that there is a need to do a comprehensive overhaul of the program with focus groups that involve both retailers and consumers, to look at what can make the program most effective. She noted that RFP’s were sent to 54 marketing consultants around the country, and as a result six proposals were submitted. Ms. Hay added that a review team selected Cascadia Consulting Group to do the work on this program.

Terrance Townsend asked what type of education program has been tried by the department.

Ms. Hay stated that the department worked with the League of Women Voters who volunteered to talk to retailers and provide public seminars on HHM's.

Commissioner Townsend commented that since Cascadia will be spending only \$4,500 on actual education, it would be worth finding something like the League before dumping \$50,000 in it.

Ms. Hay noted that the department distributes educational materials to all the retailers that have a HHM permit.

Commissioner Townsend remarked that if the average citizen wants to dump the waste they will and it doesn't matter how much is spent or what is done because they will dump it where it is easiest for them.

Discussion followed regarding what what constitutes an HHM and various aspects of the program.

William Ehm stated that if the program is properly conducted by a good company they should be able to come up with good methods to make the law work, adding that he thinks it's a good law and is needed.

Motion was made by William Ehm to approve the Household Hazardous Materials Retailers Consumer Education Program contract. Seconded by Verlon Britt.

Chairperson King requested a roll call vote. "Aye" vote was cast by Commissioners Murphy, Priebe, Venner, Britt, Ehm, McWilliams, Mohr, and King. "Nay" vote was cast by Commissioner Townsend. Motion carried on a vote of 8-Aye to 1-Nay.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Glenda Buenger (Recertification of nationwide permits)

Glenda Buenger, Rose Hill, Iowa, stated that she recently sent each Commissioner a letter stating her feelings about 404 recertification of the COE nationwide permits. She related that she came today to reiterate that she and her husband think wetland protection is important as it provides important benefits in terms of water quality and wildlife habitat. She added that the wetland's values and functions are difficult or impossible to replace if they are damaged or destroyed. In conclusion, she noted that they would like to see the DNR have the opportunity and resources necessary to regulate and protect the wetlands.

Regina Thiry (Washburn sewer project)

Regina Thiry, Washburn, distributed copies of previous correspondence pertaining to the Washburn sewage project. She stated that her main concern is that there are no plans for a wetland at this point, and she would ask that the Commission put the construction and operation permits for them on hold until there are wetland plans and a site chosen. She expanded on details of the correspondence she distributed covering the lack of wetland plans; assurance of proper wetland development; compliance with EPA monitoring; lack of space to hold wastes for 180 days; and various other aspects of the project. She reiterated that she is asking that someone make sure the wetland is constructed properly before Washburn begins their discharge.

Chairperson King commented that the agenda item on Wastewater Treatment, which will be brought up later on the agenda, may answer some of her concerns.

Rick Robinson (Recertification of nationwide permits)

Rick Robinson, Iowa Farm Bureau Federation, addressed the Commission urging them to unconditionally certify all of the Nationwide Permits recently adopted by the Corps. He noted that the Farm Bureau opposed the Corps action to significantly reduce the scope of this nationwide permit. He related that they urge the Commission to certify these changes without further restriction for the following reasons: 1) Corps Review of the NWP Program; 2) Acreage Thresholds and Review Periods; 3) Reconsideration of Nationwide Permits; 4) Regional Differences. He expanded on each of those topics. Mr. Robinson stated that any action by the Commission other than to unconditionally certify the nationwide permits will result in a costly, case-by-case review of each permit. He related that the additional costs of further conditions on the nationwide permits will provide little benefit to the public. Mr. Robinson noted that the bottom line is that the Corps has already taken steps to protect and improve Iowa's water quality. He told the Commission that their unconditional certification will allow landowners, government agencies and private organizations to focus resources on more effective means of voluntarily protecting wetlands, such as the wetlands reserve program, which has already committed more than 50,000 acres of land to wetland restoration.

Brief discussion followed.

Susan Heathcote (Recertification of nationwide permits)

Susan Heathcote, Iowa Environmental Council, stated that she will focus on NWP 26 and that the Environmental Council was very glad to see the reduction the Corps made on the acreage limits. She related that they were also glad that the recordkeeping and assessment information will be more complete. Ms. Heathcote added that one of the concerns of the Environmental Council is the cumulative effect of all of the permits approved under the nationwide permit. She related that without the records it is difficult to know what quality wetlands are being lost or what the impact has been. She stated that the Environmental Council feels it is important for the state to retain the authority to review and offer comments and conditions on these permits. Ms. Heathcote noted that the Environmental Council would recommend that the state provide a conditional certification for NWP 26 to allow the state to put additional restrictions on the use of

that permit. Also, that the DNR evaluate the information which will be collected by the Corps on the cumulative effect of these permits.

Dick Dolash (Recertification of nationwide permits)

Dick Dolash, representing Iowa Drainage District Association (IDDA), addressed the Commission urging them to recertify the Nationwide Permits. He related that Rick Robinson covered all of the reasons the IDDA thinks the NWP's should be certified. He noted that EPA has reviewed the NWP's and determined there are no substantial problems with water quality. He reiterated that the IDDA would urge the Commission to recertify the permits as they did five years ago, adding that they are only good for two years.

RECYCLE IOWA PRESENTATION

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

In 1993 the Waste Management Assistance Division approached the Iowa Department of Economic Development regarding joint application under a new grant program created by the U.S. EPA. As a tool for building support for recycling, monies were offered to state economic development agencies, in conjunction with the state environmental agency, for job creation that was linked to recycling. The grant could be used to hire staff known as the Recycling Economic Development Advocate (REDA). In 1994 the Iowa DED was awarded an eighteen month REDA grant and in February of 1995 the first Recycling Economic Development Advocate began work in a new effort known as Recycle Iowa.

From the beginning Recycle Iowa was a joint effort between DED and DNR. Initial efforts focused on gathering market information on glass, plastic and metals, creation of a Recycle Iowa home page on the Internet which included resource information for all of the technical and financial assistance offered by both agencies, and coordinating the first joint efforts in the business recruitment and recycling market development areas. A Request for Proposals for an Economic Impact Study on the effects of recycling market development in Iowa was also issued with funding provided by the two agencies.

In 1996, the two agencies worked together to submit an application for a second EPA/REDA grant and moved to formalize the Recycle Iowa office as a permanent entity. Following receipt of the second grant, DED and DNR signed a Memorandum of Agreement to establish the Recycle Iowa office as an independent office that would report to both the Waste Management Assistance Division of DNR and the Business Development Division of DED. Also in 1996 a new director of the Recycle Iowa office was hired. Two additional staff are also to be hired in the office with the use of grant and DED/DNR monies.

Margo Underwood, Director of Recycle Iowa, and Bob Henningsen, Administrator of the Business Development Division of DED, will be at the Commission meeting to speak briefly

about our joint efforts and future goals and activities for the Recycle Iowa office. The Economic Impact Study has also been completed and presented to the agency directors. Information on the final results will be available for the Commission.

Ms. Hay presented a brief overview of the recycle program and introduced Bob Henningsen, DED, and Margo Underwood, Recycle Iowa Director.

Bob Henningsen

Bob Henningsen, DED, stated that Margo Underwood will speak on the results of the economic impact study of the recycling industry in the state. He noted that there is a good partnership growing between DED and DNR and he applauded the staff and Commission for supporting that partnership. He related that the Recycle Iowa Program is working toward assisting the DNR in meeting its waste management goals in the state as well as helping to create business and market development opportunities for Iowa businesses.

Margo Underwood

Margo Underwood, Director of Recycle Iowa, introduced her colleague, Ken Adrian to assist in her presentation. She distributed copies of her presentation to the Commission. Ms. Underwood gave an overview of the program covering Project Objectives; Summary of Survey Results: Commodity Opportunities; Assessment Summary Results: Findings; Specific Initiatives (information & analysis; facilitation & support; and regulations); and Summary - Key to Long Term Success. She expanded on each of these categories.

Gary Priebe asked if the program is funded by private or government funds.

Ms. Underwood replied that it is funded by DNR, DED, and EPA.

Discussion followed in regard to most of Iowa’s recycled paper being shipped out of the state; plastics and glass processing; market opportunities; the paper recycling project within the Capitol Complex saving tipping fees; and the state closing the loop by buying recycled paper.

The Commission thanked Ms. Underwood for a very good report.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

- 1. Rulemaking Status Report
- 2. Variance Report
- 3. Hazardous Substance/Emergency Response Report
- 4. Enforcement Status Report
- 5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT
January 1, 1997

PROPOSAL	NOTICE TO COMM.	NOTICE PUBLISH	RULES REVIEW COMM.	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIV E
1. Ch. 20 - Potential to Emit for Emergency Generators	9/16/96	10/09/96	11/13/96	11/07/96	*2/17/97	*2/17/97	*3/12/97	*4/08/97	*4/16/97
2. Ch. 20, 21, 23, 25 and 29 - Air Quality Rules	10/21/96	11/20/96	12/11/96	12/10/96	*2/17/97	*2/17/97	*3/12/97	*4/08/97	*4/16/97
3. Ch. 22, 23 - Air Quality- Emission Guidelines for Municipal Solid Waste Landfills	*2/17/97	*3/12/97	*4/08/97	-----	*5/19/97	*5/19/97	*6/08/97	*7/07/97	*7/23/97
4. Ch. 61 - WQ Standards - Section 401 Certification/Section 404 Nationwide Permits	9/16/96	10/09/96	11/13/96	11/06/96	1/21/97	*1/21/97	*2/12/97	*3/11/97	*3/19/97
5. Ch. 100, 102 - Special Waste Authorizations	10/21/96	11/20/96	12/11/96	12/13/96	*2/17/97	*2/17/97	*3/12/97	*4/08/97	*4/16/97
6. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.	6/17/96	7/17/96	8/14/96	8/6,7,8/9 6 8/12,14, 8/15/96	12/16/96	12/16/96	1/15/97	*2/11/97	*2/19/97
7. Ch. 216 - Regents Tire Derived Fuel Program	1/21/97	*2/12/97	*3/03/97	----- --	*3/17/97	*3/17/97	*4/09/97	*5/05/97	*5/14/97
8. Ch. 217 - Waste Tire Processor Incentive Program	1/21/97	*2/12/97	*3/03/97	----- ---	*3/17/97	*3/17/97	*4/09/97	*5/05/97	*5/14/97

VARIANCE REPORT - DECEMBER 1996

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Odeboldt, City of	Air Quality		Fire Training	Denied	12/18/96
2	Pella, City of	Air Quality		Permit Requirements	Approved	12/17/96
3	AGRI Industries-Clayton County	Flood Plain	Roger Mohn	Protection Level	Approved	12/09/96

4	Council Bluffs, City of- Bennett Road Bridge	Flood Plain	HGM Associates, Inc.	Freeboard	Approved	12/01/96
5	IES Utilities-Duane Arnold Energy Center- Palo	Wastewater Operation		Monitoring Frequency	Approved	12/23/96
6	Union Electric Company- Keokuk	Wastewater Operation		Monitoring Frequency	Approved	12/23/96
7	Cargill North American Corn Milling-Harrison County	Solid Waste	Waste Management & Design, Inc.	Separation Distance	Approved	12/18/96
8	Clay County Rural Water System-Gruver, City of	Watersupply Construction	DeWild Grant Reckert Engineers	Duplication Requirements	Approved	12/13/96
9	Quantum Chemical Company-Clinton	Watersupply Construction	Shive-Hattery Engineers	Design Basis	Approved	12/15/96

SPILL REPORT - DECEMBER 1996

From December 1, - December 31, 1996, 33 reports of hazardous conditions were received.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling & Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct	52(64)	28(37)	10(9)	14(18)	31(21)	0(0)	13(35)	4(3)	0(1)	4(4)
Nov.	33(52)	18(34)	9(7)	6(11)	16(25)	0(4)	12(21)	2(1)	0(0)	3(1)
Dec	33(56)	20(30)	3(11)	10(15)	16(28)	1(2)	12(21)	0(2)	1(1)	3(2)

(numbers in parentheses for the same period in fiscal year '96)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
9	4	1	3	10	6

ENFORCEMENT REPORT UPDATE

NAME, LOCATION, & FIELD OFFICE NUMBER	PROGRAM	ALLEGED VIOLATION	ACTION	DATE
Hennings Farm Corp., Benton Co. (1)	Wastewater	Prohibited Discharge	Consent Order/ Penalty - \$5,000	12/03/96
Mark Twain Meadows Homeowners Assn., Muscatine (6)	Water Rights	Operation Contrary to Permit	Order/Penalty \$100	12/13/96
Rock Valley, City of (3)	Water Rights	Operation Contrary to Permit	Order/Penalty \$100	12/13/96
Ralene Hawkins d/b/a R.J.	Air Quality;	Open Burning;	Order/Penalty	12/19/96

Express Salvage & Demolition; Clara K. Lindstadt, Des Moines Co. (6)	Solid Waste	Illegal Disposal	\$1,000	
Craig Burgin, Indianola (5)	Underground Tank	Closure Investigation	Order/Penalty \$600	12/19/96
J.F.V. Corporation; Frank Hawk; Sharon Hawk, Prole (5)	Underground Tank	Closure Investigation	Order/Penalty \$600	12/19/96
Rod Bice, Boone Co. (5)	Wastewater	Construction Permit	Without Amended Order/ Penalty - \$500	12/24/96
Iowa Tanklines, Inc., Des Moines/ Webster City (5 and 2)	Underground Tank	Illegal Deposit	Order/Penalty \$1,000	12/26/96

SUMMARY OF ADMINISTRATIVE PENALTIES

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R&R Convenience Store (Central City)	UT	2,480	2-28-93
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Holland, City of	WS	550	8-28-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemberg)	WS	125	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94

Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Sheldahl, City of	WS	200	8-30-95
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Orville Long (Polk Co.)	SW	3,000	9-12-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
*R. V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Steven Mullane d/b/a S & S Landscaping (Madison Co.)	AQ/SW	2,000	2-14-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	3-11-96
Sportsmen's Club (Waukon)	WS	100	4-01-96
C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
Ainsworth, City of	WS	150	5-03-96
Hofer's Danceland Ballroom (Walford)	WS	100	5-04-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
*Woden-Crystal Lake Comm. School District (Crystal lake)	AQ	1,000	8-01-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
*Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	500	9-22-96
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
Howard Victor and Wanda Victor (Des Moines)	UT	10,000	10-21-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Gassman's MHP & Spruce Harbor Inn (Dubuque)	WS	4,500	12-26-96
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
#Eugene VanDenBerghe (Scott Co.)	WW	2,000	1-06-97

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R & M Feed Mill Corp.; Ronald Stanton (Schaller)	UT	600	1-07-97
*Ken Frese (Keokuk Co.)	SW/AQ	175	1-09-97
*First United Methodist Church (Ft. Madison)	AQ	500	2-01-97
Craig Burgin (Indianola)	UT	600	2-19-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	SW/AQ	1,000	2-21-97
Iowa Tanklines, Inc. (Des Moines/Webster City)	UT	1,000	2-25-97
Rod Bice (Boone Co.)	WW	500	2-26-97
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Dan Dooley (Polk Co.)	SW	2,000	-----
#Hennings Farm Corp. (Benton Co.)	WW	5,000	-----
	TOTAL	139,675	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	SW/AQ	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.,; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
	TOTAL	31,879	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Charles Kerr (Sloan)	UT	600
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000

LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
Country Stores of Carroll, Ltd.: Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Galva Union Elevator Co. (Galva)	UT	3,100
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Tom Wiseman (Sheffield)	UT	3,500
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Richard Beckett (Villisca)	UT	1,300
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Cumberland Ridge First Addition (North Liberty)	WS	550
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	SW/AQ	2,000

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Shell Rock Products, Inc. (Butler Co.)	SW/AQ	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
# Gary Watson (Cerro Gordo Co.)	WW	2,500
Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	10,000
Roy Burger (Gillette Grove)	UT	5,400
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
All-States Quality Foods (Charles City)	WW	5,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Jolly Roger Campground & Marina (North Liberty)	WW	1,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
# Marlin Brenneman (Iowa Co.)	WW	3,000
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
# C & I Eggs (Webster Co.)	WW	3,000
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Winsor Oil Co., Inc.; Joyce Winsor (Vinton)	UT	1,500
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Becker Gravel Company, Inc. (Stratford)	WW/FP	3,000
Ron Rupe (Polk Co.)	SW	2,000
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
Dakota Mobile Home Park (Oxford)	WW	2,550
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000
Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Leroy Navratil d/b/a Navratil Excavating (Plymouth)	AQ/SW	600
Richard Sprague (Tripoli)	AQ/SW	5,000
Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	4,000
Marvin Low d/b/a Low's DX (Toledo)	UT	10,000
#Don Ridenour (Keokuk Co.)	WW	500
Carroll, City of	WS	3,000
Todd L. Salow (Washington)	AQ/SW	5,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Rock Valley, City of	WR	100

Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
	TOTAL	429,353

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Corn Production Services (Dyersville)	WW/HC	3,000
R & K Smith Farms, L.L.C. (Hardin Co.)	WW	500
*First United Methodist Church (Ft. Madison)	AQ	500
*Ken Frese (Keokuk Co.)	SW/AQ	25
Massena, City of	WW	600
Mederer Corporation (Creston)	WW	10,000
Mederer Corporation (Creston) (STIPULATED PENALTY)	WW	17,311
# Larry Royer (Guthrie Co.)	WW	500
# Chris Petty (Decatur Co.)	WW	1,000
# Callaway Farms; Midwest Lagoon, Inc. (Hamilton Co.)	WW	3,000
*First United Methodist Church (Ft. Madison)	AQ	1,500
Rayburn Court for Mobile Homes (Mason City)	WS	500
Mark Twain Meadows Homeowners Assn. (Muscatine)	WR	100
	TOTAL	38,536

ATTORNEY GENERAL REFERRALS
January 1, 1997

Name, Location & Region	Program	Alleged Violation	DNR Action	New or Updated Status	Date
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Consent Decree (\$1,000/Civil)	7/22/94 8/29/94 12/11/96
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96
DeCoster, A.J. Wright Co. (2)	Updated Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief Hearing on Motion for Separate Trials Order Denying Defendant's Motion	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96 6/03/96 6/28/96

				Defendant's Motion to Compel	10/03/96
				State's Motion to Extend Pleadings	10/15/96
				Hearing	10/21/96
				Order Denying Defendant's Motion	10/28/96
				Order Granting State's Motion	10/28/96
				Defendants Motion for Reconsideration	11/06/96
				Order Denying Defendant's Motion	11/21/96
				State's Motion to Compel	11/27/96
				Hearing	12/20/96
				Order Granting State's Motion	12/20/96

DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Updated	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	8/19/96 11/25/96
Economy Solar Corp. Ft. Madison (6)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
Economy Solar Corp. Cedar Rapids (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Consent Decree (\$1,000/Civil)	7/22/94 8/29/94 12/11/96
Economy Solar Corp./Central Community School DeWitt (6)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/17/95 1/03/97
Economy Solar Corp. Cedar Rapids (1)		Air Quality	Penalty Collection	Order/Penalty	Referred	6/17/96
ESCORP/Cryotech Cedar Rapids (1)		Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
ESCORP Associates, Ltd; Arnold Olson Cedar Rapids (1)		Air Quality	Asbestos	Order/Penalty	Referred	9/16/96
Hahn, Oscar Solon (6)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed	12/18/95 4/18/96
Humiston, Fred d/b/a Cedar River Trailer Park Letts (6)		Drinking Water	MCL-Nitrate	Referred to Attorney General	Referred	9/16/96
Huyser, James; Trust Trucking Lovilia (5)		Under- ground	Site	Referred to Attorney General	Referred Petition Filed	11/21/94 4/18/96

	Tank	Assessment			
Lee, Harold and Evelyn Keokuk Co. (6)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/16/95 5/16/96
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/ Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Undergrou nd Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Postville Pork Postville (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	5/20/96
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5) Updated	Undergrou nd Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment	5/15/95 8/15/96
Wunschel Oil Co.; Vernus, Jaquellyn and Mark Wunschel Ida Grove (3) Updated	Undergrou nd Tank	Site Assessment	Order/Penalty	Referred Motion for Judgment Consent Decree (\$6,400/Admin.)	1/17/95 8/28/96 12/13/96

CONTESTED CASES
January 1, 1997

Date Received	Name of Case	Action Appealed	Program	Assigned To	Status
1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review by EPA

6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Kennedy	EPD considering public hearings. District court suit filed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-2/96.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site.
10-15-90	Westside General Store Corp.	Admin. Order	UT	Womson	Evaluating inability to pay - UST fund eligibility by county..
12-03-90	United States Gypsum Co.; Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Kennedy	Hearing continued. Clean-up continuing slowly due to illness.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	A. O./Penalty	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co	Admin. Order/Penalty	HC	Womson	Settlement letter sent 8/31/94. SCR completed. Low risk monitoring site.
4-24-92	Charles A. Kerr	Admin. Order/Penalty	UT	Womson	Financial inability claimed. Warning letter sent 1/25/95. No response.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Womson	Financial inability claimed. Claimant completing financial documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw County Sanitary Landfill	Admin. Order/Penalty	SW	Kennedy	County to include closing in FY 1997 budget. Letter regarding budget sent 12/19/95. Letter regarding budget and work plan received 5/14/96.
8-06-92	Randy Bonin and Vickie Brannick	Admin. Order/Penalty	SW	Kennedy	Clean-up progress is slow. Appellant's attorney to reply by 8/1/96.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Admin. Order/Penalty	UT	Womson	Financial inability claimed. Insufficient documentation.
9-21-92	ITWC	A. O./Penalty	AQ	Preziosi	Settlement close.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter 3/96.
11-16-92	Frank Hulshizer	A.O./Penalty	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co	Admin. Order/Penalty	SW	Kennedy	F.O. 5 to meet with company 2/26/96 regarding land application.
4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96. Schedule received; under review by WW Permits.
4-19-93	Council Bluffs, City of	Permit Conditions	WW	Hansen	8/96 - Letter to City in attempt to resolve appeal. 10/96 - Response from City. 11/96 - Letter from City regarding appeal.

4-21-93	Donald Udell	Admin. Order/Penalty	SW	Kennedy	Clean-up completed. Penalty settlement due.
4-26-93	Crane Co.	Admin. Order/Penalty	SW	Kennedy	DNR engineers meeting with company.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued.
7-06-93	Dennis E. Good	Admin. Order	UT	Womson	Compliance initiated 12/23/96.
7-28-93	Berniece K. Nease				
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal.
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford	Admin. Order	UT	Womson	Settlement expected. SCR submitted. Revision required under RBCA.
7-20-93	U.S. Dept. of Defense	Admin. Order/Penalty	UT	Womson	SCRs on the site and several others in Sioux City under review..
8-03-93	Waldo Vannoy	Admin. Order	UI	Wornson	Compliance completed. Low-risk. Closure letter 12/24/96. Closed..
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Awaiting summary of issues from attorney.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-14-94	Economy Solar Corp. (94AQ04)	Admin. Order/Penalty	AQ	Preziosi	Judicial review decision received in favor of DNR. No further appeal filed. Sent to AG for collection..
2-28-94	Coastal Mart - Davenport	A. O./Penalty	UT	Womson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent. Response requested by 6/28/96. Follow-up letter sent. Response from company that appeal is being reviewed.
3-08-94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Admin. Order/Penalty	UT	Womson	All SCRs received. Proposal for compliance sent 8/13/96. Response due 11/15/96.
4-19-94	Galva Union Elevator Co.	Admin. Order/Penalty	UT	Womson	Negotiating penalty.
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Womson	Untimely appeal. No closure as of 2/96.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Womson	Insurance to qualify for remedial benefits unpaid. Issued second Admin. Order for failure to have financial responsibility. Tanks closed.
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96.
6-24-94	Larence Otto	A.O./Penalty	UT	Womson	SCR approved 2/1/96. Follow-up letter - 4/96.
7-07-94	Rose Bar Tire Shredding	Admin. Order	SW	Kennedy	In bankruptcy. 1/96 Working on fire lanes. Sold - limited processing.
7-12-94	Tom Wiseman	A. O./Penalty	UT	Womson	Appeal untimely. Follow-up letter sent. Response due 9/96.
7-15-94	Village Oaks Homeowners	Admin. Order/Penalty	WS	Hansen	WS reviewed file for compliance. 2/96 - in compliance and eligible for reduced monitoring.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin. Order/Penalty	UT	Womson	Inability to pay. Failed to return required documentation. Follow-up letter -8/96.
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Womson	SCR accepted. Letter sent offering penalty negotiations 8/26/96. Free product report received 10/2/96.
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding reorganization 1/23/96.
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida	Admin. Order/Penalty	UT	Womson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment.
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Kennedy	Settlement offer made 1/23/96. FO rejected offer.

10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report.
10-19-94	Ronald Sizemore; Mark Murphy	Admin. Order/Penalty	UT	Womson	Inability to pay documented. County took tax deed. Contact regarding UST fund.
10-26-94	Boomsma's Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10-31-94	Owens & Owens Realty, Inc ; Keith Owens; Howard Maurer	Admin. Order/Penalty	UT	Womson	Proposed decision 10/5/95. Appealed 11/3/95. EPC confirmed 2/19/96. Decision appealed 3/29/96. District Court for judicial review.
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Womson	Inability to pay - request documentation.
11-28-94	Richard Beckett	Admin. Order/Penalty	UT	Womson	Referral to UST Fund. Follow-up - 3/96.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95-construction approved by WS section for chlorination equipment. 1/17/96 - Letter to City regarding resolution of appeal. No response as of 2/28/96. Dept. follow-up letter - 3/96. Response from City 4/8/96. Amended order issued 8/30/96.
1-11-95	Henry and Randy Krohn d/b/a Krohn Construction	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer made. FO rejected offer.
1-13-95	James and Roxann Neneman	Admin. Order/Penalty	UT	Womson	Inability to pay. Forms sent. No response. Follow-up - 3/96.
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96.
2-27-95	Sale-R-Villa Construction	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting held 5/23/96. Facility to submit written proposal.
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation 1/23/96 regarding reorganization.
4-13-95	The Weitz Corp.; Barton Solvents, In	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
4-19-95	Otis Schultz d/b/a Schultz Oil Co.	A.O./Penalty	UT	Womson	SCR accepted. Penalty settlement letter sent 8/26/96.
4-26-95	Larry Royer	A. O./Penalty	WW	Clark	Penalty paid 12/11/96. Settled.
5-05-95	C & O Recycling Enterprises; Douglas W Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Admin. Order/Penalty	HC/WW	Kennedy	Hearing set for 3/7/97. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Economy Solar Corp.; Jeffrey C Intlekofer (95-AQ-14)	Admin. Order/Penalty	AQ	Preziosi	Order rescinded.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-07-95	Cumberland Ridge Homeowners	Admin. Order/Penalty	WS	Kennedy	Awaiting penalty payment - due 8/1/96.
6-09-95	Don Peterson d/b/a Peterson Backhoe	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting final penalty payment.
6-16-95	Allison Fire Dept.; City of Allison	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Site clean-up proceeding.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Kennedy	Penalty settlement due 7/30/96.
6-29-95	White Oaks Homeowners Assn.	Admin. Order/Penalty	WS	Hansen	Informal meeting held 3/8/96. 4/25/96 follow-up letter to facility. 5/96 - Facility response received. Meeting held 6/96. Facility to provide signed agreement by 8/31/96 for new water source that meets MCL requirements. Facility working with Des Moines regarding connection to that WS and with Polk Co. to obtain funding through special assessment.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.

7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96.
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Womson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin. Order/Penalty	UT	Womson	SCR received - rejected. Review progress - 4/96.
7-13-95	Organio Technologies Corp.	Admin. Order	SW	Kennedy	New Admin. Order issued 11/15/96.
7-28-95	Harold T. Knott; James C. Knott	Admin. Order	UT	Womson	Negotiating before filing.
8-01-95	Wilbur McNear d/b/a McNear Oil Co.	Admin. Order/Penalty	UT	Womson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Womson	Compliance initiated.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information. 6/96 - additional information received by WS staff for review. 7/96 - Request for variance, as modified, granted. 8/96 - Construction permit for new well granted. 10/96 - Letter to engineer regarding dismissal of appeal.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Kennedy	Appellant no longer accepting waste. Renewal permit may be requested.
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing continued. No new date set.
11-02-95	Salsbury Chemicals, Inc.	Permit Conditions	WW	Hansen	Informal meeting held 12/4/95. Company. response 1/26/96. Review by WW permits completed 3/21/96. 6/96 - letter received from company regarding appeal. Letter to company attorney regarding appeal 8/5/96. 9/96 Letter sent regarding settlement. 10/96 - Settlement offer sent to company attorney. Revised permit issued. Appeal dismissed. Settled.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
11-14-95	Mike Barker	GW Professional Denial	UT	Womson	Settlement negotiations underway.
11-21-95	Gary Watson	Admin. Order/Penalty	WW	Clark	Settlement letter sent 12/6/96; first monthly payment due 1/1/97.
12-12-95	Vernon Kinsinger; K & K Sanitation	Admin. Order/Penalty	AQ/SW	Kennedy	Informal meeting held. Working with F.O. #6.
12-13-95	Roy Burger	Admin. Order/Penalty	UT	Womson	Compliance complete - negotiating penalty.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Site Services, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Womson	Current owner to complete SCR.
1-04-96	Massena, City of	Admin. Order/Penalty	WW	Clark	Penalty paid 12/16/96. Settled.
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility inspection 2/28/96 by FO 6/.
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed.
1-17-96	All-States Quality Foods, L.P.	Admin. Order/Penalty	WW	Murphy	Settlement offer 6/26/96.
1-19-96	Bill Shirbroun d/b/a Was Broken Pallet	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	Admin. Order/Penalty	UT	Womson	Negotiating before filing.

1-24-96	Jolly Roger Campground	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Kennedy	Phone conference with attorney regarding settlement - due 5/30/96.
1-30-96	Dean Williams d/b/a Williams Oil Co.	Admin. Order/Penalty	UT	Womson	Compliance initiated. Hearing scheduled for 1/27/97.
2-06-96	Russell Stagg	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
3-04-96	Edward Bodensteiner	Admin. Order/Penalty	UT	Womson	Hearing held 11/7/96. Brief submitted.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-11-96	Marlin Brenneman	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section..
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Negotiating before filing.
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscatine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4-19-96	C & I Eggs	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review.
5-08-96	Vermeer Mfg. Co (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Drafting consent order.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Negotiating before filing.
5-29-96	Champion Intl. Corp.	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning Variance Denial	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96.
6-17-96	Winsor Oil Co., Inc. ; Joyce Winsor	Admin. Order/Penalty	UT	Womson	Hearing set for 2/20-21/97. Compliance initiated.
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification Denial	SW	Kennedy	Negotiating before filing.
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. & Excavating	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
7-08-96	Becker Gravel Co., Inc.	Admin. Order/Penalty	WW/FP	Clark	Negotiating before filing.
7-11-96	Ron Rupe	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing. 12/19/96 - one party deceased.
7/17/96	Richard L. Magdefrau	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	Permit Denial	WW	Clark	Proposed decision 11/25/96.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be set.
8/02/96	Gene Hammen d/b/a Maple Grove Hog Producers	Permit Denial	WW	Clark	Hearing held 9/23/96.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart	Admin. Order/Penalty	UT	Womson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.

8/23/96	Waste Management & Design (Monfort)	Admin., Order/Penalty	WW/SW	Kennedy	Settlement pending
8/30/96	Howard Victor & Wanda Victor	Admin. Order/Penalty	UT	Wornson	Closed facility. Negotiating penalty.
8/30/96	LeRoy E. Navratil	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing
9/04/96	Ag Processing, Inc./Sheldon Facility	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/04/96	Osborne Outdoor Education Center	Admin. Order	WS	Hansen	12/2/96 - F.O. 1 report sent to facility regarding sanitary survey. 12/27/96 - letter ent regarding settlement of appeal.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
10/28/96	Holliman Ltd	Admin. Order/Penalty	SW/WW	Murphy	Negotiating before filing
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M Woodshavings	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing .
11/05/96	Marvin Low d/b/a Low's DX	Admin. Order/Penalty	UT	Wornson	New case Tanks temporarily closed. Negotiating penalty
11/07/96	Don Ridenour	Admin. Order/Penalty	WW	Clark	Negotiating before filing .
11/07/96	Todd L. Salow	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing
11/08/96	Caseys General Stores, Inc.	Mean Time to Corrosion Failure	UT	Wornson	Request for informal settlement.
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Negotiating before filing
11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Kennedy	New case.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	New case.
12/05/96	Organic Technologies Corp. ----91-SDP-02-94P	Admin. Order/Penalty Intended Permit Revocation	SW	Murphy	New case.
12/11/96	Ames, City of	Denial of Waiver	WS	Hansen	New case. Sent to DIA.
12/20/96	Rock Valley, City of	Admin. Order/Penalty	WR	Clark	New case

Mr. Stokes presented the routine monthly reports and responded to a question by one of the Commissioners last month regarding stream corridor fencing requirements in Missouri. He stated that in checking with the state of Missouri and federal officials he learned that it is work being done through their Section 319 program, specifically for protection of a stream corridor by fencing off cattle access to the stream. He added that they are devoting their money to that best management practice, and a person could choose to participate in the program to get funding for those kinds of best management practices.

Discussion followed regarding a case involving a \$3,000 fine and \$30,000 restitution for fish.

INFORMATIONAL ONLY

REGISTRY OF HAZARDOUS SUBSTANCE DISPOSAL SITES AND HAZARDOUS WASTE REMEDIAL FUND ANNUAL REPORT - 1996

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Section 455B.427 of the Code of Iowa requires the Director of the Department of Natural Resources to transmit a report to the General Assembly and the Governor each January 1st regarding those sites listed on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites.

Section 455B.425 of the Code of Iowa requires the Director of the Department of Natural Resources to give a full account to the General Assembly and the Governor each January 1st regarding the Hazardous Waste Remedial Fund.

The 1996 report has been prepared to fulfill both of these obligations. This report will be submitted to the General Assembly and the Governor after the December 1996 Commission meeting. The report will be distributed at the Commission meeting.

(A copy of the report is on file in the department's Records Center)

Mr. Stokes reviewed details of the report and noted there was only one site added in 1996.

INFORMATIONAL ONLY

AIR QUALITY PROGRAM STATUS UPDATE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be given an update on various issues relative to the Air Quality Program. These will include a staffing update, budget update, update on implementation of the file imaging system, update on status of move to Ingram Building, rule development update and other programmatic issues.

The Commission will be provided written update information under separate cover prior to the Commission meeting.

Mr. Stokes noted that he had placed information at the Commissioners table covering budget expenditures update; air quality program rulemaking summary; summary of central office visits; and periodic monitoring requirements. He distributed copies of proposed changes to the dispersion modeling policy to be used in all cases except PSD and nonattainment. He related that the Client Contact Group discussed the proposed changes and the consensus was to implement the revised policy sooner rather than later. He noted that the policy will be put into effect tomorrow when he meets with his staff at Air West.

Mr. Stokes stated that on January 8, staff had the first meeting with a workgroup of volunteers to explore the possibility of a multi-media permit program as a voluntary program for Iowa. The group came to a consensus that it is worth pursuing this program and they will meet again in March.

Mr. Stokes noted that 1,905 air construction permits were issued in 1996 and current permit turn around time has crept up to 41 days. He related that staff are trying to get it back down to 26 days in the near future.

INFORMATIONAL ONLY

AGREEMENT - IOWA DEPARTMENT OF CORRECTIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached contract between the Department and the Iowa Department of Corrections, Division of Iowa Prison Industries (IPI) for scanning and data entry for the Air Quality Bureau’s electronic file management system

The proposed contract sets the per-page fee structure, performance requirements and general agency relationships for SFY 1997, 1998, and 1999.

There is a per-year cap of \$300,000 to assure that costs are contained, however, actual billings are expected to be approximately \$250,000/year the first two years and then decline (depending on the amount of additional material received from applicants).

Agreement
Between
Iowa Department of Natural Resources
and
Iowa Department of Corrections

THIS AGREEMENT is made and entered into this _____ day of _____, 1997, by and between the Iowa Department of Natural Resources, Air Quality Bureau and the Iowa Department of Corrections, Division of Iowa Prison Industries.

WHEREAS, the Iowa Department of Natural Resources, Air Quality Bureau, receives and generates a large number of pages of paper documents to be converted into electronic images from which a significant amount of data is to be extracted AND the Iowa Department of Corrections, Division of Iowa Prison Industries, has the capability to perform the conversion and data entry tasks.

NOW THEREFORE, it is mutually agreed by the parties (Iowa Department of Natural Resources and the Iowa Department of Corrections) that the Iowa Department of Corrections will undertake the following described activities:

Scanning and data entry.

The Iowa Department of Corrections, Division of Iowa Prison Industries will:

1. provide storage space for receiving and return shipment of boxed records,
2. provide document preparation necessary for scanning and database retrieval,
3. Scan each sheet submitted by the Iowa Department of Natural Resources,
4. provide images with TIFF headings per established protocol,
5. provide image index database per established protocol,
6. provide database of information from fields and key-word search per established protocol,
7. maintain confidentiality of information,
8. assure that the images and data provided accurately reflect the information contained on the paper documents per established protocol, and
9. provide monthly summary reports per established protocol.

The Iowa Department of Natural Resources, Air Quality Bureau will:

1. Assemble records for individual facilities into individual boxes including:
 - separate, clearly labeled, boxes for the public record and the confidential record, and
 - clearly labeled boxes for those facilities which are to be scanned only (the applicant to provide the database record),
2. Assist in the training of Iowa Prison Industries' workers,
3. Be available as needed to resolve issues regarding Iowa Prison Industries' performance, and
4. Import, review and accept images and data provided by Iowa Prison Industries in a timely manner to facilitate payment.

Fees

The Iowa Department of Corrections will invoice the Iowa Department of Natural Resources on a monthly basis itemizing the number of records processed in each step of the operation . This billing will be accompanied by a report listing the facilities processed (by name and facility number) and listing the facilities in inventory at the time of the report.

Following billing and verification of delivery, the Iowa Department of Natural Resources will pay the following fees for services provided by the Iowa Department of Corrections:

- Document preparation, scanning ,indexing and system monitoring
\$0.07/page;
- Optical character recognition (OCR), verification and quality assurance, control and verification (QA/QC) data entry of specified key fields and Parts 1 and 3 field data into specified file formats
\$0.03/page;
- Special data entry clean-up efforts associated with non-standard completion of departmental forms including but not limited to manual coding of handwritten, text incomprehensible to the OCR program or similar non-standard submittals requiring special handling

\$0.25/page;

- Key word search and data entry as well as other special handling/keypunching by staff (identified by specific task)
9.75/billing hour;

- Special programming (must be approved prior to billing and detailed by specific task at the time of billing)

\$95.00/programming hour; and

- Installation and start-up investment (must be approved prior to billing and detailed by specific item at the time of billing)
up to a maximum of \$60,000.

Performance

Within three months of signing of this contract the Iowa Department of Corrections shall develop the capability to prepare, scan, and OCR 250,000 pages per month as well as perform special data entry on 20% of the pages processed. The Iowa Department of Corrections shall maintain this capability throughout the duration of this contract and shall deliver document to the department at this rate so long as the types or conditions of documents do not materially change from those which were used as test cases during contract development.

Within three months of signing of this contract the Iowa Department of Corrections shall develop the capability to prepare, scan, OCR and perform special data entry and shall, within one week of delivery of the document to the Iowa Department of Corrections, deliver a properly formatted CD-ROM to the Iowa Department of Natural Resources of a 4,000 page application.

Default

The occurrence of any one or more of the following events shall constitute cause for the Iowa Department of Natural Resources to declare the Iowa Department of Corrections in default of the obligations under this agreement:

- (a) non-performance ;
- (b) a failure of the Iowa Department of Corrections to make substantial and timely progress towards performance of the agreement;
- (c) a failure of the Iowa Department of Corrections work product or services to conform with any specifications noted herein;
- (d) a repeated exhibition of defects in the services delivered by the Iowa Department of Corrections causing serious disruption of use or downtime over a six (6) month period;
- (e) a breach of any term of this agreement.

Duration and billing limits

This contract is for State fiscal years 1997, 1998 and 1999. For each fiscal year (July 1 through June 30), the maximum amount billable is \$300,000.

Termination

This agreement may be terminated in the following circumstances:
(a) by either party, without cause, after thirty (30) days written notice;
(b) as a result of Iowa Department of Corrections default under this agreement; or
(c) as a result of the termination or reduction of funding to the Iowa Department of Natural Resources.

Nonassignment

This agreement may not be assigned without prior Iowa Department of Natural Resources consent.

Approval of billable tasks and Changes

No changes, modifications, or termination of any of the terms, provisions or conditions of the agreement shall be effective unless made in writing and signed by both parties. Approval of special tasks and modifications to the scanning and data entry as well as to fees may be made by the Project Manager for the Iowa Department of Natural Resources and the Plant Manager for the Iowa Department of Corrections.

Indemnification Against Damage or Loss

The Iowa Department of Corrections shall defend, indemnify and hold the Iowa Department of Natural Resources, its successors and assigns, harmless from and against any liability, loss, damage or expense, including reasonable counsel fees, which the Iowa Department of Natural Resources may incur or sustain by reason of:
(a) the failure of the Iowa Department of Corrections to fully perform and comply with the terms and obligations of the agreement;
(b) Iowa Department of Corrections performance or attempted performance of this agreement; or
(c) Iowa Department of Corrections activities with subcontractors and third parties.

Survival of Contract

If any portion of this contract is held to be invalid or unenforceable, the remainder shall be valid and enforceable.

Integration

This agreement contains the entire understanding between the Iowa Department of Natural Resources and the Iowa Department of Corrections and any representation that may have been made before or after the signing of this agreement, which are not contained herein, are nonbinding void and of no effect.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date first stated herein:

DEPARTMENT OF CORRECTIONS

DEPARTMENT OF NATURAL RESOURCES

By: _____
Director

By: _____
Larry J. Wilson, Director

Date: _____

Date: _____

This agreement was approved, as required by Subsection 455B.105(7) of the Code of Iowa, by the Environmental Protection Commission on _____, 1997.

Mr. Stokes gave a detailed explanation of the agreement with Department of Corrections on the file imaging system.

Brief discussion followed regarding original and added costs for the imaging and scanning system.

Motion was made by Terrance Townsend to approve the Agreement with Iowa Department of Corrections as presented. Seconded by Dean McWilliams.

Discussion followed regarding program costs, the type of facility and number of people involved in the program.

Vote on the motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTER 22 AND 23, AIR QUALITY - EMISSION GUIDELINES FOR MUNICIPAL SOLID WASTE LANDFILLS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a draft Notice of Intended Action to amend Chapter 22, "Controlling Pollution," and Chapter 23, "Emission Standards for Contaminants," 567 Iowa Administrative Code.

The purpose of this rule-making is to adopt the federal emission guidelines and compliance schedule for existing municipal solid waste landfills established in 40 CFR Part 60 Subpart Cc. IDNR has established that there are sources in the state subject to these requirements and, in accord with the delegation agreements previously entered into with EPA, IDNR herein considers accepting delegation of these standards. The New Source Performance Standard for existing or modified municipal solid waste landfills is presently proposed for adoption into rule in a rulemaking which will come before the Commission in February for final approval. This proposed rule adopts the federal language with minor revision to appropriately identify affected sources and the implementing agency (as IDNR). No substantive changes have been made to the language as established in the federal rule, and all opportunities for sources to utilize flexible compliance opportunities have been retained.

Existing municipal solid waste landfills are those who have commenced construction, reconstruction, or modification prior to May 30, 1991, and have accepted waste any time since November 8, 1987. This type of landfill may receive household waste, and various other RCRA Subtitle D wastes (such as commercial solid wastes and nonhazardous sludge). However, if the landfill's maximum design capacity

is less than 2.5 million megagrams (or metric tons) by mass (2.8 million tons (short)) or 2.5 million cubic meters by volume (7.5 acres at 25 ft depth), then the rule is not applicable.

The U.S. Environmental Protection Agency has determined that municipal solid waste landfills emit non-methane organic compounds, which include volatile organic compounds (VOC) and hazardous air pollutants (HAPs), that significantly contribute to air pollution and are anticipated to endanger public health or welfare.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes reviewed the proposed rules in detail.

INFORMATIONAL ONLY

STATE REVOLVING FUND, INTENDED USE PLAN - 1997

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department will provide the draft CWA State Revolving Fund Intended Use Plan for the State of Iowa, Fiscal Year 1997 to the Commission for information. This IUP includes the State Project Priority List which is the list of projects proposed to receive loan assistance in FY 1997.

Congressional appropriations have been made for FFY 1997 and although not as large as previous years, SRF reserve funds not used in FFY 96 are projected at this time to be available to fund all applicants. EPA requires opportunity for public input on the IUP and Project Priority List. Approval for a public hearing will be requested at the next EPC meeting. Following the hearing, the IUP will be finalized and an application for the capitalization grant submitted to EPA.

Mr. Stokes reviewed the plan and noted that it will come before the Commission next month for approval to take to public hearing. He distributed copies of an IUP Fact Sheet for SFY 1997 showing Total Available New Funds, FY 97 SRF Loan Applications to Date, Excess Applications over New FY 97 Funds, and FY 1997 IUP.

INFORMATIONAL ONLY

**FINAL RULE--CHAPTER 61, WATER QUALITY STANDARDS, SECTION 401
CERTIFICATION OF NATIONWIDE PERMITS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached for the Commission's consideration is a final rule which would provide Section 401 water quality certification for 30 reissued or new Corps' nationwide permits (NWP). Section 401 of the Clean Water Act requires that before the Corps can issue a permit for the discharge of dredged or fill material into the nation's waters, the state water quality agency must certify that the proposed action will not violate state water quality standards. NWPs are general or "blanket" permits authorizing minor activities on a nationwide basis.

Also attached is the Responsiveness Summary which addresses all comments received on the proposed rule amendment during the public comment period. Copies of all written comments received will be available at the Commission meeting.

At the time the Notice of Intended Action was published, the Corps had not finalized the NWPs. The Corps adopted the NWP final rules on December 13, 1996 and some of the NWPs as adopted differ from the NWPs as originally proposed by the Corps. In addition, the Corps did not adopt two of the four new NWPs that were being proposed. The preamble to the final rule and the Responsiveness Summary address any changes in the NWPs relevant to the comments received.

In general, farm organizations providing comments objected to any actions that would further restrict the scope and use of NWPs in Iowa while the environmental organizations opposed unconditional certification of all NWPs. Many of the comments provided echoed comments provided to the Corps during the Corps' comment period for the NWPs. As discussed in the Responsiveness Summary, some of the NWPs were changed in recognition of the comments questioning the impacts of NWPs.

The Corps has stated that certification of the NWPs, certification with conditions, or denial of certification must be provided by February 11, 1997. Failure to provide or deny certification by that date will be considered as a waiver of certification, which essentially is a *de facto* certification of all NWPs.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission has adopted an amendment to Chapter 61, "Water Quality Standards," Iowa Administrative Code. The amendment provides water quality certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Section 1341) for 30 U. S. Army Corps of Engineers' Nationwide Permits (NWPs).

Notice of Intended Action was published in the October 9, 1996 Iowa Administrative Bulletin as ARC 6785A. One public hearing was held and comments were accepted through November 8, 1996. A Responsiveness Summary was prepared addressing all the comments received and this document is available from the Department of Natural Resources and has been filed with the Administrative Code Editor.

The adopted amendment differs slightly from the amendment as published in the Notice of Intended Action. The changes are due to the actions taken by the U.S. Army Corps of Engineers on the nationwide permits. At the time the NOIA was published, the Corps had not finalized the nationwide permits. On December 13, 1996, the Corps published the final nationwide permits in the Federal Register (volume 61, Number 241). Changes in the amendment as necessitated by the Corps' action are described below:

- The adopted amendment provides certification for nationwide permits 30 and 31 instead of "A" and "D". The proposed nationwide permits "A" and "D" were adopted by the Corps but were given permit numbers 30 and 31, respectively.
- Nationwide permits "B" and "C" were deleted as the Corps did not adopt these permits and, therefore, water quality certification is not required.

The Environmental Protection Commission adopted this amendment at its January 20, 1997 meeting and the amendment will become effective on March 19, 1997.

This amendment is intended to implement Iowa Code Chapter 455B, division III, part 1.

Amend paragraph 61.2(2) "h" as follows:

h. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567—Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567—Chapters 70, 71, and 72 and this policy. The repair and maintenance of a drainage district ditch as defined in 567—70.2(455B, 481A) will not be considered a violation of the anti-degradation policy for the purpose of implementing Title IV of these rules. United States Army Corps of Engineers (Corps) nationwide permits, ~~33 CFR 330, numbers 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, and 40, as promulgated November 22, 1991, and number 29 as promulgated September 25, 1995~~ December 13, 1996 are certified pursuant to Section 401 of the Clean Water Act. Regional permit numbers 2, 7, 12, and 20 of the Rock Island District of the Corps are also certified. No specific Corps permit or 401 certification is required for activities covered by these permits unless required by the nationwide permit or the Corps, and the activities are allowed subject to the terms of the nationwide and regional permits.

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes reviewed the rules and noted the following options the Commission could take: 1) make no decision; 2) approve blanket certification as presented; 3) deny the certification; or 4) approve with certain conditions (can make it more restrictive but not less restrictive). He

related that staff are asking for approval of the blanket water quality certification for the COE permits as modified in the final rule.

Brief discussion followed.

Motion was made by Dean McWilliams to approve Final Rule--Chapter 61, Water Quality Standards, Section 401 Certification of Nationwide Permits, as presented. Seconded by William Ehm.

Gary Priebe commented that every time one of these rules is passed the people get a little less and someone eventually has to say “enough is enough.” He added that at one time there were no rules, then it went to ten acre minimum and now it is down to one. He noted that someday a tool will be needed to negotiate with government agencies.

Vote on the motion carried unanimously.

APPROVED AS PRESENTED.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. City of Lenox - wastewater (Tabled)
- b. A.J. DeCoster (Hamilton County) - water quality
- c. Steven Mullane/S&S Landscaping (Madison County) - air quality/solid waste
- d. Papetti’s of Iowa Food Products, Inc. (Lenox) - wastewater
- e. Brian McKernan, dba Hickory Grove MHP (Ames) - wastewater

Pappeti's of Iowa Food Products, Inc.

Mike Murphy reviewed details of this case dealing with an incident in November 1996, which involved discharge of wastewater behind Pappeti's facility and subsequently entered into a small stream. He stated that the matter warrants referral because of the manner in which the wastewater was discharged as well as the strength of the waste, and the fact that it was allowed to continue for a period of time after it was initially brought to Pappeti's attention. He noted that there have not been similar documented problems with them but there were some dealings 6-8 years ago involving their loadings to the city.

Appointment - Kris Smith

Kris Smith, Davis-Brown Law Firm, introduced Dave Rechsteiner, Vice-President of Papetti's, and Tom O'Kane, Comptroller of Papetti's. She stated that Papetti's felt they did not need to have a permit to land apply waste because of an exemption under Iowa Code 121.3 (1). She related that on rare occasions limited quantities of process wastewater is applied to farm land the company owns east of its plant. November 6, 1996 was one of those occasions. Ms. Smith said that at 1:15 p.m., on November 6, Papetti's received a visit from Dave Perry of the DNR's Atlantic Field Office saying he received a complaint regarding wastewater discharge into a stream. She related that Mr. Perry was informed that, on occasion, to help the City of Lenox wastewater is land applied. She added that the City of Lenox has had an ongoing problem with its wastewater treatment facility and has been in violation of their DNR permit. Ms. Smith stressed that Papetti's have consistently been well below their allowable discharge into the City system, and their infrequent land application of wastewater has been done in an attempt to help the City. Ms. Smith stated that Mr. Perry questioned why the fire hose where the wastewater was land applied earlier was gone later in the day. She related that Mr. Rechsteiner and Mr. O'Kane did not know that land application had taken place that morning. Upon investigation by Papetti's, it was learned that land application took place that morning, but when Mr. Perry arrived Papetti's was in the process of a shift change. Substantial clean up efforts are made during a shift change, at which time the hose was rolled up and put away. Ms. Smith noted that this circumstance, as well as not having specific facts about removal of the hose, seems to have given the indication that something sinister was happening. She stated that Mr. Perry, prior to leaving on November 6, told Papetti's to immediately cease the land application and to apply for a permit. She stressed that no further land application has occurred since that time. Mr. Perry visited Papetti's on November 15 and informed them that they must pump water out of a collection pond surrounding a tile intake and land apply on farm ground, and scrape the area three inches deep and land apply the dirt. He gave permission to do the land application one time only. Ms. Smith noted that due to extremely cold weather for 7-10 days after that the excavation took longer than anticipated. She related that Papetti's responded to Mr. Perry's directive as soon as was feasibly possible. Ms. Smith stated that there was never any intent to try to mask the land application, and remediation efforts were taken immediately upon being advised to do so. She added that she feels this matter could be handled administratively.

William Ehm asked what constitutes land application in this case and how the application was done.

Mr. O’Kane stated that a canvas fire hose was used and was connected to the sewer system at the point where the wastewater is taken into the city’s system. Part of the water is diverted through the hose and it flows on to the land.

Discussion followed in regard to incorporating into the soil; BOD load limits and discharging to the city system; and stockpiling the dirt and delaying remediation because of frozen ground.

Mike Murphy stated that one issue is whether this is an exemption under Chapter 121 and staff contention is that it was wastewater disposal without a permit. He added that regulations for land application of solid waste would not apply to this situation. He also noted that one requirement is that they have a long range plan mapping out what they will do, how much, and where it will go, in order to be exempt. Mr. Murphy related that it is his contention the exemption does not apply. He stated that pumping the wastewater over a driveway and out the end of a hose is questionable as to whether that is land application. Mr. Murphy stated that even though there was a shift change and the hose was removed, the hose is not an appropriate means of disposing of wastewater. He noted that Papetti’s observed a liquid pool around a tile intake and common sense tells a person to remove it immediately to prevent further discharges from occurring. He related that there are enough issues in this case to warrant investigation by the AG’s office.

Discussion followed regarding exempt status and requirements for same, and the case coming forth because of a complaint.

William Ehm commented that the exemption issue is questionable to begin with, adding that land application leaves a bit to be desired when it is simply coming out the end of a hose.

Motion was made by William Ehm to refer Papetti’s of Iowa Food Products, Inc. to the Attorney General’s Office. Seconded by Rita Venner. Motion carried unanimously.

REFERRED

Brian McKernan, dba Hickory Grove MHP

Mr. Murphy reviewed that there was an Administrative Order issued for effluent violations at the wastewater treatment plant for the mobile home park, which had impact on the downstream landowner. He noted that Mr. McKernan submitted a schedule for installing wastewater facility improvements calling for completion of construction and compliance with discharge limits by November 1, 1996. He related that it hadn’t been done by that date and the field office gave another 30 days, and further investigation in mid-December indicated there is still a big problem as far as the effluent discharge.

Appointment - Brian McKernan

Brian McKernan, Owner of Hickory Grove MHP, stated that the new system is one-half completed and is in operation. He related that final approval of the project was on July 1, and revised additions to the plan were finished by the first week of August. He explained that he had a difficult time locating a contractor and excavation began in late October with thoughts that it could be done by November 1. He related that it rained a lot in November and they were unable to do anything. ~~In December when the ground froze they were able to get in and one side of the~~ system was just turned on 3-4 days ago. Mr. McKernan indicated that it was difficult to get things done under the extreme conditions they had to deal with.

Rita Venner asked Mr. McKernan what his goal is for completion of the system.

Mr. McKernan stated that the old system was left in place and a pipe was routed around it, and it is now under 15 feet of dirt frozen solid as a rock. He related that it would take 30 days to get the old part totally removed. He noted that he has gone to a great expense to get this much done.

Kathryn Murphy asked about the deficiencies dating back to 1993.

Mr. McKernan stated that after his father's death he had to learn everything about running the place and did not even know how to take a sample. He spoke about differences in his sampling and the ones from the field office. He related that he was late a few times on submitting his reports and initially did not know the importance of getting them in on time.

Appointment - Roger Underwood

Roger Underwood, downstream neighbor to Hickory Grove MHP, told the Commission that he first contacted Mr. McKernan in April, 1994 and asked him to comply with state regulations, then thanked him for agreeing to comply. He related that by May 8, 1995 nothing had happened and he again contacted Mr. McKernan. Mr. Underwood stated that in April 1996 his son noticed dead frogs and tadpoles in the creek and he then called Steve Grgurich at the DNR field office. He noted that the DNR gave Mr. McKernan six months to comply and he still was not in compliance by November 1996. Mr. Underwood noted that Mr. McKernan just completed half of the system three days ago. He stated that he feels it should be referred to the Attorney General to make sure the system really works and that it is in compliance. Mr. Underwood stated that he takes independent water samples from the creek and has them tested at his own expense, and those samples are always different from the samples taken by Mr. McKernan.

Mr. McKernan told about putting in a new tilt tray and also taking split samples. He related that he has agreed to have someone certified as a water sampler to take proper samples in the future.

Motion was made by William Ehm to for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

A.J. DeCoster

Mike Murphy stating that staff are asking referral of A.J. DeCoster due to discharges of swine waste on November 11-12, 1996, at a confinement in Hamilton County. Wastes were being land applied to a field and the department received complaints of runoff into tile intakes. The runoff was observed on November 11 by local sheriff's deputies and DNR staff. He added that there was also evidence of discharge to the intake on November 12. He related that it was high strength waste discharging to the tile line, and in light of the history in the matter it should be referred.

Appointment - Bill Smith

Bill Smith, representing A.J. DeCoster, distributed copies of a hand-out covering the following topics: Chapter 10.2 (455B) relating to Administrative Penalties; Sow 1 Soil Types; Tractor Log Sheet; DeCoster Farms Draft of Manure Application Protocol; and Prohibited Discharges Resulting in Monetary Penalties 1992-1996. He stated that there is no argument that what occurred was not acceptable and that it was wrong. He presented details of the topics covered in his hand-out and the facts of what he believes took place. Mr. Smith stated that there are other people, similarly situated, who are treated differently by the DNR. He related that the standards should be applied on a relatively uniform basis. He discussed the land application on November 11 and related that there was a problem with one tractor so they stopped using it and the drivers switched duty hourly on the other tractor. The first driver was instructed not to go near the road but he went closer than should have and some manure ran into the ditch and culvert, then into an intake on the other side of the road. Mr. Smith stated that Teresa Fisher, the employee who is responsible for manure application at DeCoster Farms, arrived and immediately got the driver off the field. He related that an earthen dam was immediately put in to make sure no more manure would flow off the land. He noted that the next day, after another test was done, the lower southern tile line was cut so no more manure could flow in. He stated one of the issues involved was that a driver error was made causing some manure to get into a tile, but there was no environmental damage done. He noted that the MMP makes it easy to figure how much nutrient to apply but it is difficult to determine how fast it can be applied, and how often it can be applied, without getting manure into tiles or running the risk of going someplace else. He related that DeCoster Farms hired Shive-Hattery to put together a manure application program for all of his sites to avoid applicator problems in the future. Mr. Smith cited the Jeff Pitkin case and others he felt were similar to this case and reiterated that there are two different standards being applied.

Mr. Murphy stressed that staff evaluate the facts and circumstances of each violation and take appropriate action. He noted that even though there was not a lot of damage to the environment in this case, there was a clear violation. He added that staff also look at the history of the operation and how many violations have occurred in the past.

Appointment - Dave Sheridan

Dave Sheridan, Attorney General’s Office, stated that he joins in the request with DNR to refer this matter as it is an appropriate referral. He related that the key thing is that the incident was, in Mr. DeCoster’s own words, “inexcusable, stupid, and should not have happened.” Mr. Sheridan added that he was stunned when he heard about the incident knowing the process Mr. Smith’s firm and the Attorney General is involved in, in enforcement matters. Also, ~~because there were two prior administrative orders, one pending lawsuit and another pending referral.~~ He stated that if things of this nature are not corrected and prevented by adequate management at DeCoster Farms, enforcement action is appropriate.

Gary Priebe asked if DeCoster Farms was offered a chance to settle the matter like the individual at Buffalo Creek.

Mr. Murphy replied “no,” pointing out that the Buffalo Creek case involved a first time violator and because of the circumstances it left staff with a penalty level that did not warrant referral, particularly since restitution was made. He noted that when staff deal with people without an enforcement history they offer that sort of resolution up front.

Commissioner Priebe stated that he was not in favor of the last referral on DeCoster because he thought it should be handled administratively. He added that this matter should be handled the same way. He related that staff indicated this incident appears to be negligent rather than intentional and there was no significant harm to the environment nor any fish killed, and he thinks the department is just going after DeCoster because he’s DeCoster.

William Ehm stated that the last time a DeCoster referral was before the Commission he had reasonable doubts on the sincerity of their actions and he supported referral. He added that he probably won’t support referral this time, as he feels this situation should be handled otherwise. He stressed that he would like to make it very clear to Mr. Smith and the party he represents that he will be on the side of referral if it needs to be, but he feels this time it can be handled administratively rather than through referral.

Kathryn Murphy stated that she voted not to refer Decoster the last time but she feels it should be referred this time because of the questionable nature of the incident. She related that it should be referred to let the Attorney General’s Office determine what should be done.

Dean McWilliams remarked about the amount of liquid manure that was spread and noted that he would support referral.

Motion was made by Kathryn Murphy for referral to the Attorney General’s Office. Seconded by Verlon Britt.

Chairperson King requested a roll call vote. “Aye” vote was cast by Commissioners Townsend, Venner, Britt, McWilliams, Mohr, Murphy, and King. “Nay” vote was cast by Commissioners Priebe and Ehm. Motion carried on a vote of 7-Aye to 2-Nay.

REFERRED

Commissioner Ehm left the meeting for another appointment at this time (5:25 p.m.).

PROPOSED CONTESTED CASE DECISION--EDWARD BODENSTEINER

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On May 17, 1994, the department issued Administrative Order No. 94-UT-25 to Edward Bodensteiner. The Order was not served until January 31, 1996. That action required him to conduct a site cleanup investigation, submit a site cleanup report, and pay a \$3200 penalty. That action was appealed by Mr. Bodensteiner, and the matter proceeded to administrative hearing on November 7, 1996. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on December 23, 1996. The decision affirms the department's Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the Administrative Law Judge decision in the absence of an appeal.

ALJ DECISION UPHELD

APPROVAL OF ENFORCEMENT ACTION--STICKLE FARMS, INC.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission is requested to approve an enforcement action relating to an animal feeding operation. Iowa Code section 455B.110 [1995 Code Supp.] provides that we may not initiate an enforcement action relating to animal feeding operations, seeking a penalty in excess of \$3,000.00 unless the Environmental Protection Commission has approved the intended action. A proposed Consent Administrative Order relating to an August 22, 1996, discharge of cattle manure, has been provided to the Commission. This documents explains the background of this matter. The Director and Stickle Farms Inc./Stickle Salvage Feed have agreed to resolve this matter through a Consent Administrative Order including a penalty of \$4,800 and requiring restitution of \$6,978.80 for fish killed in the incident.

Mr. Murphy stated that this case involves an open feedlot situation where discharge resulted in a fish kill. He noted that both parties have agreed to the proposed consent order.

Motion was made by Rita Venner to approve the Enforcement Action for Stickle Farms, Inc., as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)

City of Lenox

Mr. Murphy noted that this case was previously tabled.

Motion was made by Terrance Townsend to remove the City of Lenox referral from the table. Seconded by Kathryn Murphy. Motion carried unanimously.

REMOVED FROM TABLE

Mr. Murphy reported that the department has reached agreement on a consent Administrative Order that includes the schedule staff previously proposed, along with stipulated penalties for effluent violations and delays on the construction schedule, so staff will withdraw the referral.

REFERRAL WITHDRAWN

Steven Mullare/S & S Landscaping

Mr. Murphy briefed the Commission on the history of this case involving open dumping and open burning of landscape waste.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

WASTEWATER TREATMENT

Allan Stokes, Division Administrator, Environmental Protection Division, introduced Jim Stricker, Field Office 5, noting that Mr. Stricker has been teaching a course at DMACC over the past 15 years on Wastewater Treatment Lagoon Operation and Maintenance.

Mr. Stricker stated that wastewater lagoons are not complex, are fairly simple systems to operate and maintain, and have been in Iowa since the late 1950's. He discussed the history of two and three cell lagoon systems in Iowa and the requirements, regulations covering same. He also discussed the following areas: storage capacity and the 180 day holding issue; typical BOD's; suspended solids; nitrogen and fecal chloroform removal; fall and spring draw downs; and meeting permit standards.

Brief discussion followed.

The Commission thanked Mr. Stricker for his very informative presentation.

INFORMATIONAL ONLY

Chairperson King asked Mr. Stokes to address Regina Thiry's request to put a hold on the permit for the city of Washburn.

Mr. Stokes stated that the permit has been issued and the only parties that have an appeal right concerning the permit is the person or entity that receives the permit. He related that staff would have no basis to revoke the permit. He noted that the Commission could direct staff to do that but Black Hawk County could appeal it and staff would not be able to help the Commission without any basis to revoke the permit.

Discussion followed.

Chairperson King asked that staff keep the Commission updated on the project as it progresses.

LEGISLATIVE BREAKFAST BRIEFING

Director Wilson reviewed the procedures for the legislative reception tomorrow morning. He distributed summaries of the legislative bills and a list of questions that could be asked about each proposal. He gave a brief explanation of each bill.

Don Paulin, Deputy Director, noted that the ACCO group has discussed possible changes to livestock regulations and indicated that they will try to handle those changes through departmental rules.

The Commissioners volunteered to cover the legislative bills as follows:

- Sewage Sludge Regulation - Terrance Townsend and Kathryn Murphy
 - Drinking Water Revolving Loan Program - Rita Venner and Gary Priebe
 - Groundwater Professional Certification - Charlotte Mohr and Dean McWilliams
- Chairperson King stated that she will roam amid each station.

INFORMATIONAL ONLY

GENERAL DISCUSSION

Terrance Townsend asked, in reference to the DeCoster referral, if staff feel the department follows the same treatment pattern for everyone.

Mr. Stokes responded that if any other facility had the past record and past history that DeCoster has they would be referred in the same manner. He noted that there is absoulutely nothing different in staff review and handling of one case to another.

Discussion followed regarding the “three strikes and you’re out” law, the Pitkin case in comparison to the DeCoster case, and the fact that Pitkin does not have a previous track record.

Discussion also took place about waters of the state and water body classifications.

ADDRESS ITEMS FOR NEXT MEETING

Director Wilson reported that he is working with the Director of the Department of Health and they will decide in February on which of their commissioners will meet with the EPC subcommittee to discuss items of mutual interest.

Gary Priebe stated that there is a new hog confinement facility next to his place and he would like the Commission to tour it sometime. He explained that they have cement storage tanks that can be covered so there is absolutely no smell, and there are no pits under the buildings.

The Commission discussed holding the March meeting in Newton in conjunction with a tour of Maytag. Terrance Townsend will make arrangements for this meeting.

NEXT MEETING DATES

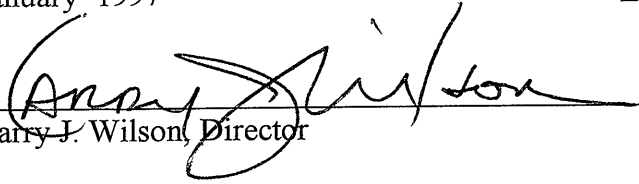
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March 17, 1997
April 21, 1997

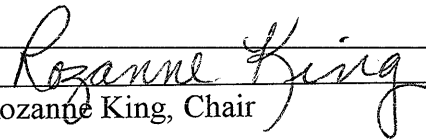
ADJOURNMENT

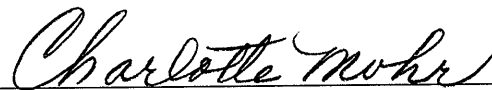
With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 6:30 p.m., Tuesday, January 21, 1997.

January 1997

Environmental Protection Commission Minutes


Larry J. Wilson, Director


Rozanne King, Chair


Charlotte Mohr, Secretary

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